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Report of the Secretary-General to the Security Council on the situation in Burundi

I. Introduction

1. Since my previous report to the Security Council on the situation in and relating to Burundi on 14 November 2001 (S/2001/1076), important developments have taken place in the country and the region. The Implementation Monitoring Committee of the Arusha Agreement on Peace and Reconciliation was relocated to Bujumbura from Arusha in November 2001. The Transitional National Assembly was formally installed on 10 January 2002, and elected Jean Minani, President of the Front for Democracy in Burundi (FRODEBU), as its Speaker, while the Transitional Senate elected Libère Bararunyeretse, Secretary-General of the Union for National Progress Party (UPRONA), as its President.

2. The efforts aimed at negotiating a successful and all-inclusive ceasefire agreement have intensified under the leadership of Deputy President Jacob Zuma of South Africa, representing former President Nelson Mandela, with the assistance of representatives of Gabon and the United Republic of Tanzania. The United Nations and the African Union are also supporting these efforts, which resulted in the conclusion of a ceasefire agreement on 7 October 2002 between the Transitional Government of Burundi and the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), led by Jean-Bosco Ndayikengurukiye and the Party for the Liberation of the Hutu People-National Liberation Forces (PALIPEHUTU-FNL), led by Alain Mugabarabona.

3. The purpose of the present report is to bring the Security Council up to date on these and other developments in and relating to Burundi, as well as on the role of the United Nations in supporting the peace process in the country.

II. Political developments

A. Implementation Monitoring Committee

4. The Implementation Monitoring Committee, under the Chairmanship of the United Nations, has been entrusted with the responsibility of ensuring the full and speedy implementation of the provisions of the Arusha Agreement. The Committee, which held its first substantive session in Arusha in January 2001 and was relocated

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to Bujumbura in November of the same year, has been carrying out its mandate within the constraints imposed by the absence of a ceasefire and the insecurity prevailing in the country.

5. Since its relocation to Bujumbura, the Committee has held five ordinary sessions and endeavoured to implement the provisions of the Arusha Agreement that could be implemented under existing conditions. In that regard, the Committee has been working with the Government and the other transitional institutions for the adoption of various laws, including on freedom of activities for political parties; provisional immunity for political leaders returning from exile; the law against genocide, war crimes and crimes against humanity; and the law on the establishment of the National Committee on Refugees and Sinistrés (CNRS).

6. The Implementation Monitoring Committee has established a mechanism for reconciling differences arising within and among signatory parties and transitional institutions. To that end, my Special Representative organized a meeting between President Pierre Buyoya and the members of the Committee on 28 June 2002 to discuss modalities for the joint management of the implementation process and to clear up misunderstandings between the executive branch and the Committee. The meeting helped not only to dispel misconceptions on both sides, but also laid the basis for closer collaboration through regular consultations. The Implementation Monitoring Committee is currently in the process of organizing similar meetings with the leadership of the Transitional National Assembly and of the Transitional Senate.

7. The Implementation Monitoring Committee actively supported the work of the Independent Commission established to investigate the issues of prisoners and prison conditions. The Commission, four of whose members were appointed by the United Nations, completed its task and presented its report to the Committee in February 2002. Currently, the Committee is monitoring the work of the Committee of Magistrates set up by the Government of Burundi to implement the recommendations of the Independent Commission. The Committee of Magistrates has begun its work and has already released some prisoners from prisons in Bujumbura and will soon proceed to other parts of the country for a similar exercise.

8. The members of the Implementation Monitoring Committee, in cooperation with the Ministry for the Mobilization for Peace, have undertaken the task of publicizing the Arusha Agreement to gain grass-root support for the peace process. In order to assist the Transitional Government in mobilizing resources for the rehabilitation and reconstruction of the country, the Committee is in constant contact with the donor community through its Chairman, my Special Representative. The tasks and the activities of the Committee are expected to undergo significant qualitative change with the signing of a ceasefire agreement and will necessitate an increase in the resources allocated to it. The Committee meets every two months and undertakes daily monitoring activities through its Executive Council which became operational on 6 December 2001.

B. Transitional arrangements

9. The establishment of the Transitional Government on 1 November 2001 was followed by the inauguration of the Transitional National Assembly and the Transitional Senate on 10 January 2002 and 6 February 2002, respectively. The

relationship between the three principal institutions has been generally harmonious. The two major political parties, FRODEBU and UPRONA, which head these institutions have been cooperating with each other much more than was previously thought possible. Difficulties that had surfaced from time to time were overcome through compromise.

10. Differences have, however, arisen within the G-7 (Hutu) and G-10 (Tutsi) political families. The differences within G-7 have been between FRODEBU and the smaller Hutu parties, and within G-10 between UPRONA and the smaller Tutsi parties. The smaller parties complain that they are not properly consulted when decisions are taken in the name of the groups, and that they have not been given their fair share in the distribution of government posts. Some parties opposed to the Transitional Government and to the Arusha Agreement have become more vocal at a time when ceasefire negotiations are being conducted at the highest level. This has resulted in the arrest, in October 2002, of Charles Mukasi, leader of UPRONA wing opposed to the Arusha Agreement, and the house arrest early in November 2002 of former President Jean-Baptiste Bagaza, leader of the Party for National Recovery (PARENA). So far, the differences among and within parties, as well as the subversive campaigns against the transitional institutions led by extremist parties, are not expected to scuttle the peace process.

11. The transitional institutions and the political parties participating in them have been able to initiate the reform of the provincial administration and the civil service, including the diplomatic service. The Minister of Justice, following approval by the cabinet, unveiled in August 2002 a detailed plan for the long-awaited reform of the judiciary. The thrust of the reform is to ensure an equitable representation of all Burundian communities in public offices.

12. On the other hand, the reform of the army and other security structures, including the establishment of a Special Protection Unit agreed upon at Arusha, has not yet begun. Many in the transitional institutions have argued that it would be inappropriate, indeed counterproductive, to attempt to change the security structures currently in place, or to integrate former or active rebels into the army under the guise of the Unit, while the war was going on. It appears that there is no serious disagreement among the principal political actors in moving forward on this issue once a ceasefire agreement has been concluded.

13. The Transitional Government, with the concurrence of the other transitional institutions, has established the 15-member Truth and Reconciliation Commission. The law on the establishment of the National Commission for the Rehabilitation of Refugees and Sinistrés has been adopted and the law to create a national observatory for the prevention of genocide, war crimes and crimes against humanity is being debated. On 24 July 2002, the Transitional Government formally requested the United Nations to establish an international judicial commission of inquiry on genocide, war crimes and other crimes against humanity, in accordance with the Arusha Agreement. The request is under consideration by the Security Council.

C. Ceasefire negotiations

14. The signing of the Arusha Agreement, the establishment of the Implementation Monitoring Committee and the setting-up of the Transitional Government were important milestones in the search for peace and development in Burundi. The

optimism and enthusiasm generated by those positive events had created high expectation among Burundians and the international community that peace and stability could come to Burundi soon. Unfortunately, the absence of a ceasefire agreement and the continuation of violence have undermined efforts aimed at the full implementation of the Arusha Agreement.

15. The Facilitator, the former President of South Africa, Nelson Mandela, delegated the task of conducting ceasefire negotiations between the armed groups and the Transitional Government to the Deputy President of South Africa, Jacob Zuma. The latter has undertaken extensive consultations with the leaders of the region and made every effort to contact the leaders of the armed groups, some of whom have remained elusive, with a view to initiating an all-inclusive ceasefire negotiation. The United Nations has continued to assist this effort by providing political support, material assistance and technical expertise.

16. As a result of the consultations undertaken by Deputy President Zuma and with the support of the Government of Gabon, the first contact between CNDD-FDD (Jean-Bosco Ndayikengurukiye), the Facilitation and President Pierre Buyoya took place in Libreville in January 2001. The first formal and direct negotiation between CNDD-FDD and the Transitional Government then took place at the Vaal Dam, South Africa, from 18 to 21 February 2002, under the chairmanship of Deputy President Zuma. A Gabonese team led by the Minister for Foreign Affairs also participated. At the request of the parties, the United Nations was invited for the first time to participate in the negotiations as an observer. My then Special Representative for the Great Lakes Region and current Special Representative for Burundi, Berhanu Dinka, took part in those and all subsequent negotiations.

17. At the request of the Facilitation, the Government of the United Republic of Tanzania subsequently agreed to assist the ceasefire negotiations and convened a meeting in Dar-es-Salaam from 13 to 24 March to persuade the armed groups to negotiate a ceasefire agreement and to join the peace process. The effort resulted in the agreement by all parties to attend the negotiations held in Pretoria from 22 to 29 April.

18. During those negotiations, the delegation of the Transitional Government and CNDD-FDD (Pierre Nkurunziza) held discussions on the provisions of the Arusha Agreement and the draft ceasefire document. They were assisted by a technical team from South Africa and military experts from the United Nations. The PALIPEHUTU-FNL (Alain Mugabarabona) and the Jean-Bosco Ndayikengurukiye wing of CNDD-FDD did not participate.

19. A group of experts from the United Nations, South Africa and the United Republic of Tanzania met in Pretoria from 28 to 30 July and elaborated a draft ceasefire agreement that was presented for discussion at the Dar-es-Salaam negotiations held from 12 to 26 August. The Transitional Government and the two wings of CNDD-FDD participated in the meeting. The Facilitation consisted of South Africa, Gabon and the United Republic of Tanzania, with the United Nations providing expertise. The session ended with the signing of a memorandum of understanding between the Transitional Government and CNDD-FDD (Jean-Bosco Ndayikengurukiye) committing themselves to sign, at a date to be fixed by the Facilitation, a ceasefire document which they approved and initialled.

20. The negotiation with CNDD-FDD (Pierre Nkurunziza) was not as successful, owing to its insistence that the Transitional Government sign a joint declaration of commitment before substantive negotiations were entered into. The declaration, which was rejected by the Government, would have required it to accept responsibility for the coup d'état of October 1993, the subsequent violence and its consequences. The negotiations were suspended and it was decided that that wing of CNDD-FDD would continue consultations and return to the second round of talks scheduled to be held in Dar-es-Salaam in September.

21. PALIPEHUTU-FNL did not arrive on time in Dar-es-Salaam for the negotiations and was therefore requested to proceed to Pretoria to hold consultations (from 6 to 9 September) with the Facilitation and United Nations experts. The group arrived in Pretoria and was briefed by South African and United Nations experts on the Arusha Agreement and the draft ceasefire document. The briefing was intended to prepare the PALIPEHUTU-FNL delegation for the ceasefire negotiations scheduled to be held in Dar-es-Salaam from 18 to 27 September.

22. As planned, the negotiations resumed in Dar-es-Salaam with the arrival of Deputy President Zuma on 18 September. On the same day, he held consultations with CNDD-FDD (Pierre Nkurunziza) and submitted to them the draft agenda for the negotiating session on the following day. However, the CNDD-FDD delegation failed to arrive, claiming that it was mourning the death of hundreds of Hutus killed by the Burundian army in the province of Gitega on 9 September. They arrived only on 21 September with the same demand for a declaration of commitment as was made during the previous session in August. The talks collapsed despite efforts by the Facilitation, Gabon and the United Republic of Tanzania, as well as by my Special Representative and the African Union.

23. The meeting on 23 September between the Transitional Government and PALIPEHUTU-FNL (Alain Mugabarabona) was the first face-to-face encounter between the two parties. Although the meeting started well, it soon became apparent that serious difficulties lay ahead. PALIPEHUTU-FNL, contrary to what it had agreed to during the preparatory negotiations held in Dar-es-Salaam and Pretoria, insisted that it was not a party to the Arusha Agreement and had no confidence in its provisions. Consequently, it argued, the negotiations should not be limited to ceasefire talks but should include broader political issues.

24. Deputy President Zuma made it clear that his mandate was not to reopen the Arusha peace negotiations but to facilitate the conclusion of an all-inclusive ceasefire agreement, and advised PALIPEHUTU-FNL to focus on the ceasefire negotiations. As a compromise, he suggested that PALIPEHUTU-FNL express in detail any political concerns that they might have and promised that every effort would be made to address those concerns in the course of implementing the Arusha Agreement. FNL was not persuaded, and the talks were suspended on 25 September.

25. The ceasefire talks resumed on the eve of the Eighteenth Summit Meeting of the Heads of State and Government of the Regional Peace Initiative on Burundi, held in Dar-es-Salaam on 7 October in the presence of the presidents of Uganda, Burundi, the Democratic Republic of the Congo, the United Republic of Tanzania and South Africa, the former President of South Africa, Nelson Mandela, the Deputy President of South Africa, Jacob Zuma, and the ministers of foreign affairs of Ethiopia, Kenya, Rwanda and Zambia (see A/57/580-S/2002/1217 and S/2002/1124). A ceasefire agreement was signed at the Summit between the

Transitional Government of Burundi and CNDD-FDD (Jean-Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona). The Summit Meeting welcomed the commitment made by the leader of CNDD-FDD (Pierre Nkurunziza) to resume substantive negotiations, without preconditions, on the basis of the Arusha Agreement. The Meeting gave 30 days to CNDD-FDD (Pierre Nkurunziza) and PALIPEHUTU-FNL (Agathon Rwasa) to conclude ceasefire agreements, following which it would meet to review the situation and take appropriate measures in respect of those that failed to sign a ceasefire agreement.

26. A new round of talks started in Dar-es-Salaam on 21 October, with technical meetings between the Facilitation and each of the delegations. President Buyoya arrived on 26 October and met with CNDD-FDD leader Pierre Nkurunziza. The President rejected the position of CNDD-FDD that belligerents conclude a cessation of hostilities before going into substantive negotiations on a ceasefire agreement. Nevertheless, the two sides started substantive negotiations on 29 October, and CNDD-FDD issued a unilateral declaration of cessation of hostilities effective from 3 November. Negotiations are still continuing.

III. Security and military situation

27. The military and security situation in Burundi deteriorated further in 2002. The situation was characterized by intensified action by the armed groups against the army, as well as repeated attacks on the civilian population in both urban and rural areas of the country. At the beginning of the year, armed elements, reportedly from CNDD-FDD, began infiltrating the Ruvubu park region in the eastern part of the country. The same situation was observed in northern Burundi, with the armed groups moving into the Kibira forest. The provinces of Ruyigi, Makamba and Cankuzo (south-east) as well as Bujumbura Rural experienced heavy and repeated attacks.

28. The frequency of attacks increased between May and July this year as the preparations for ceasefire negotiations in Dar-es-Salaam began to take shape. Bujumbura came under fire on 29 and 30 July and again on 25 August. A number of houses were damaged by mortar shells and several lives were lost. Two South African soldiers assigned to the protection of a Burundian cabinet minister were wounded.

29. Although calm has returned to those areas, abductions and car-jackings have increased. In the first few weeks of September, four local administrators (chefs de zone) were assassinated. The security situation in both rural and urban areas remains precarious.

IV. Economic situation

30. During the period under review, the economic situation in Burundi has been characterized by a significant increase in the poverty level and a marked decline in the rate of growth. The rate of growth of gross domestic product in 2002 is estimated at 2 per cent in real terms, less than the estimated 3 per cent growth in the rate of population.

31. External transactions in 2002 have decreased mainly owing to the 20 per cent decrease in the production of coffee and the decrease in the prices of exported commodities. The foreign exchange reserve has gone down to a precarious level, hardly enough to cover one month of imports. There has been a very slow rate of disbursement of the pledges made in Paris and Geneva in December 2000 and 2001, respectively.

32. The unfavourable terms of trade are reflected in the official rate of exchange of the national currency, which lost almost 30 per cent of its value against the United States dollar between 2001 and 2002. The rate of exchange has been even more seriously affected by the recent devaluation of the currency, leading to significant inflationary price increases with potentially damaging consequences for the stability and security of the country and the viability of the transitional institutions. At the same time, the high level of foreign debt owed by Burundi constitutes one of the main obstacles to the reduction of poverty. As much as 85 per cent of the debt is multilateral and represents 178 per cent of gross domestic product. Consequentiy, debt servicing absorbs 98.8 per cent of all revenues and the accumulation of arrears was estimated at US$ 115.7 million in 2001.

33. Of the four external factors that contributed to the poor economic performance — the security situation, the drop in the price of coffee, the increase in socio-economic stagnation and the reduction of external financial assistance — the most significant in terms of its impact on social development has been the reduction in international financial assistance, which fell by 66 per cent between 1990 and 2002 — from US$ 282 million to US$ 97 million. Given that the state budget can barely meet the salaries of state workers, the reduction in external assistance is automatically reflected in the substantially reduced levels of expenditure on health, education and other social programmes. This could have serious consequences for the peace process. Poverty exacerbates ongoing conflicts and discourages the return of refugees and could adversely affect the response of armed groups to ceasefire negotiations.

34. The approval by the International Monetary Fund on 9 October of a credit of about US$ 13 million in emergency post-conflict assistance to support the Government's reconstruction and economic recovery programme was a welcome development. Also of note was the announcement by the World Bank of a firm commitment of US$ 187 million for 2002/2003.

V. Humanitarian situation

35. The hostilities in Burundi have claimed the lives of hundreds of thousands of people, primarily civilians, since the outbreak of the conflict in 1993, disrupted social development and worsened the humanitarian situation. The picture that emerges is gloomy: almost one of six Burundians continue to live away from their homes; almost 388,000 people are living in 226 camps in their own country, constituting the largest internally displaced population in the Great Lakes region; there are an estimated 639,000 Burundian refugees in neighbouring countries, and a further 200,000 who have been living in Tanzania since 1972; and every month, 311,000 people in Burundi receive food aid. Over 24,000 people are treated monthly for malnutrition in 233 therapeutic and supplementary feeding centres around the country. Their number would probably be much higher if all of the needy had access

to centres. More than 71 per cent of the people living in camps in Burundi have no access to the minimum daily requirement of drinking water. On the human development index for 2002, Burundi has dropped to the third-worst ranking country in the world, reflecting the accumulated impact of deteriorating indicators, such as vaccination coverage (down from 83 per cent in 1993 to 54 per cent in 2001), primary school attendance (down from 70 per cent in 1993 to 48 per cent in 2002) and an under-five mortality rate of 190 deaths per 1,000 live births.

36. While one third of the country's provinces remain troubled by conflict and hold high numbers of displaced, the others are in desperate need of rehabilitation and development. Yet even in those provinces, the relative stability is periodically disrupted by bursts of violence, leaving uncertainty and fear in their wake.

37. The incidence of HIV infection is increasing at an alarming rate. It is estimated that 20 per cent of the country's urban population and 6 per cent of its rural population are HIV-positive, and the number of AIDS orphans now exceeds 160,000.

38. The United Nations country team in Burundi is preparing a nationwide study on conditions at sites at which internally displaced persons are located in order to determine strategies for providing improved assistance. The technical group on follow-up, established within the Framework for Consultation on the Protection of Internally Displaced Persons, is developing strategies for assisting those who are dispersed, in particular in the province of Bujumbura Rural. To improve follow-up of the situation of internally displaced persons at the communal level, communal focal points are to be appointed to help provide information. Strategic distribution points are being identified in each commune to ensure that humanitarian assistance is provided to populations that dwell in zones with limited or no access. In 2002 alone, an estimated 60,000 civilians have been displaced by fighting.

39. The Deputy Emergency Relief Coordinator visited Burundi from 12 to 19 October in order to assess the most recent humanitarian developments in the country. The timing of the mission coincided with heavy fighting in Uvira and other places in the north-eastern sector of the Democratic Republic of the Congo, which caused refugees to cross the Burundian border. From 12 to 20 October, more than 11,000 Congolese refugees fleeing conflicts in the Rusuzi Plain crossed into western Burundi through the border towns of Gatumba (Bujumbura Rural) and Rugombo (Cibitoke), where temporary transit camps were established and humanitarian assistance provided.

40. Clearly, any further deterioration of the security situation in the Democratic Republic of the Congo, accompanied by a large influx of refugees, would have serious humanitarian consequences not only for the Democratic Republic of the Congo and Burundi, but for the region as a whole. Recent events have highlighted the necessity proactively to monitor the situation at an all-inclusive regional level. There is also a need to enhance the capacity of the Office of the United Nations High Commissioner for Refugees on the ground to prepare for a massive reintegration of refugees and resettlement of displaced and dispersed persons in the event of peace.

41. Of concern also is the fact that thousands of refugees from eastern Burundi fled into the United Republic of Tanzania amid growing concerns about the deteriorating humanitarian situation in Cankunzo province. More than 5,000

Burundian refugees have arrived in Tanzania's Ngara province since 14 October, accounting for 65 per cent of all new Burundian arrivals across the border in 2002.

42. Recently, an estimated 50,000 persons have spontaneously returned to Burundi from the refugee camps in United Republic of Tanzania. The Office of the United Nations High Commissioner for Refugees and non-governmental organizations working in Burundi have established transit centres in the provinces of Makamba, Ruyigi and Rutana to assist the returnees.

43. The United Nations system has undertaken a number of new initiatives to assist internally displaced persons, including a protocol for their protection, signed by the resident humanitarian coordinator and the Minister for Human Rights. The protocol would allow for joint teams, consisting of representatives of the Government and the humanitarian community, to follow through on ensuring the safe return of internally displaced persons and respect for human rights and humanitarian principles. The United Nations also continues to be one of the major supporters of community development programmes to improve living conditions and to help prepare communities to absorb returning internally displaced persons and refugees.

VI. Human rights situation

44. The human rights situation in Burundi remains volatile. The belligerents have killed hundreds of civilians, including men, women, children and elderly persons, in armed attacks in 2002 and seem to be increasingly targeting civilians. All parties to the armed conflict accuse local populations of aiding one side or the other. Classification of civilians as rebels by the military, because of their presence in locations designated as conflict areas or because of their perceived collaboration, is of grave concern to the international community. Reprisals committed against the civilian population represent the most serious violation of the right of every Burundian to live in safety and without fear. These abuses have the capacity to undermine the entire peace process and to ignite more vicious, ethnic-based violence.

45. On 17 September, the Chairman of the Human Rights Committee of the National Assembly of Burundi announced the death on 9 September in Itaba, Gitega province, of 183 civilians, and demanded an immediate investigation be undertaken by an independent commission. The following day, a commission headed by the commander of the second military region and the Governor of Gitega was set up by the Government. In a declaration issued on 20 September, the Government acknowledged that 173 civilians had been killed during military operations. My Special Representative issued a statement the same day condemning the act and demanding that the perpetrators be brought to justice. Political parties and religious leaders also strongly condemned it. The United Nations High Commissioner for Human Rights addressed a letter to President Buyoya denouncing the massacre of civilians in Itaba and in other areas and requesting that all cases be investigated.

46. The ongoing civil war has resulted in an increase in poverty, and a weakening of the legal and judicial system and has led to the breakdown of the existing social and communal infrastructure. In the process, communities have lost much of their capacity to care for themselves and their neighbours. Their destitution has been compounded by the trauma caused by the violence that they have seen and lived

through and by the looting being undertaken by the belligerents, which dispossesses whole communities of the few possessions that they have. As a result of traditional inequalities and the violence fostered by the continuing conflict, there is little respect for the rights of women and girls. Emotional, physical and sexual violence are commonplace. Girls are often deprived of their right to education and are compelled to work as child labour. Sexual violence leads to increasing HIV/AIDS infection rates and forced pregnancies, stigmatizing the victims and their children.

VII. Administrative and financial implications

47. The United Nations Office in Burundi (UNOB) was established in November 1993 following the coup d'état of 21 October 1993 in that country and the tragic events that ensued. Since then, UNOB has played an active and constructive role in assisting the parties to the peace process in their effort to build and consolidate an internal political partnership, in supporting the Arusha peace talks and in providing information, analysis and advice to the United Nations. In my letter to the President of the Security Council of 2 November 1999 (S/1999/1136), I noted that UNOB would need to assume additional responsibilities in the post-conflict peace-building phase in order to help in the consolidation of peace and security following the Arusha Agreement. In the first instance, this would entail assisting in the implementation of the Agreement and the establishment of new institutions, as well as providing support for the various reforms envisaged in the Agreement.

48. Consequently, with the repatriation of the Implementation Monitoring Committee to Burundi, the primary role of UNOB was adjusted and refocused. Considering that the political role of the United Nations in Burundi derived primarily from its responsibilities as Chairman of the Implementation Monitoring Committee and its Executive Council, the staff and resources of UNOB were restructured and strengthened to support the Chairman, including the servicing of the meetings of the Committee and Council. The priority that is currently being given to the effort to reach a ceasefire agreement has added to the work of the Committee and its Chairman, as well as to UNOB.

49. As I informed the Security Council in 2001, there was a need to increase the staffing and resources of UNOB to provide it with the expertise and the capability needed to support adequately the work of the Implementation Monitoring Committee, the ceasefire negotiations and the political role previously entrusted to UNOB. All this was reflected in the budget for 2002.

50. For 2003, the net additional staff requirements would amount to two international posts to accommodate a spokesperson and a close protection officer for the Special Representative, as well as eight local staff. Three military advisers and civilian police would also be attached to UNOB in order to continue contingency planning for the possible deployment of a United Nations peacekeeping mission. Any change on the ground, such as the signing of an inclusive ceasefire agreement, will, of course, necessitate a review of the tasks of UNOB and the resources needed to accomplish them.

51. The United Nations has borne the cost of convening the meetings of the Implementation Monitoring Committee at the rate of about US$ 150,000 per session. In addition, the cost related to the ceasefire negotiations has been supported so far by a grant from the Government of the United States through the United Nations

Trust Fund. The international judicial commission of inquiry that has to be established and the other commissions that will be set up following a ceasefire agreement will also need the financial support of the United Nations to function properly and effectively.

VIII. Observations

52. Full implementation of the Arusha Agreement will only be possible if a ceasefire agreement is reached. The efforts to this end of Deputy President Zuma of South Africa, with the active support of the Governments of Gabon and the United Republic of Tanzania, are of vital importance. I commend Deputy President Zuma and Presidents Benjamin Mkapa and Omar Bongo for the important contribution that they have made, and reiterate my appreciation to the Regional Peace Initiative for its untiring efforts to bring peace to Burundi and assure it of the continued support of the United Nations.

53. The armed groups that have so far stood aloof should negotiate and conclude speedily a ceasefire agreement and join the peace process. In this respect, the ceasefire agreement that was signed between the Government of Burundi and CNDD-FDD (Jean-Bosco Ndayikengurukiye) and PALIPEHUTU-FNL (Alain Mugabarabona) was an important development. I have asked my Special Representative to continue to support fully the efforts of the Facilitator and of the Regional Initiative in helping the Government of Burundi and all armed groups to reach a comprehensive ceasefire agreement. The United Nations will do all that it can to contribute to efforts to implement such an agreement in Burundi.

54. A ceasefire that did not include all armed parties and political movements would be dangerous and must be avoided. Moreover, the issue of reform of the security sector must be addressed by the parties in the context of the ceasefire negotiations. Without reaching a common understanding on the broad parameters of such reform, serious obstacles would be encountered in the implementation of the peace agreement. I encourage the parties to continue to negotiate in good faith towards a full, comprehensive and all-inclusive ceasefire agreement. Once such an agreement is reached, I intend to provide to the Security Council my analysis of the situation and recommendations on the future course of action, including planning for a possible expanded involvement of the United Nations in Burundi.

55. The Arusha Agreement calls upon the international community to contribute to the consolidation of peace in Burundi by assisting the country in its humanitarian, development and reconstruction efforts. This would require the United Nations system in the country to cooperate closely and coordinate their activities with the Chairman of the Implementation Monitoring Committee.

56. The donor community should exert more effort to provide assistance to Burundi, pursuant to pledges made at the donor conferences held in Paris and Geneva. With regard to funding for humanitarian and development activities, I continue to attach particular importance to the consolidated inter-agency appeal for 2003 and I urge the donor community to contribute generously to the success of the consolidated appeal process. At the same time, the parties to the conflict should facilitate safe and unhindered passage to humanitarian workers.

57. The Government of South Africa has contributed substantively to the installation of the Transitional Government by sending troops to Burundi for the protection of exiled leaders who are returning to participate in the transitional institutions. The role of the South African Government in the efforts to bring peace and stability to Burundi remains of vital importance.

58. The Security Council has reiterated its strong support of the Burundi peace process. A delegation of the Council has visited the country more than once and has gained deeper insight into the complexity of the problems and their regional ramifications. It is important that the Security Council continue to follow closely the situation in and relating to Burundi and to give critical support and guidance to the search for durable peace in the country.

59. I wish to express my appreciation to my Special Representative, Berhanu Dinka, and to all staff members of UNOB for their commendable efforts under the very trying circumstances prevailing in Burundi.

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The situation in the Middle East

Measures to eliminate international terrorism

Identical letters dated 15 November 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council

The Palestinian terrorist campaign continues to claim the lives of innocent civilians in criminal acts of unspeakable cruelty and hatred.

Just a few hours ago, Palestinian gunmen hurled grenades and fired automatic weapons indiscriminately at a crowd of Jewish worshippers on their way to mark the beginning of the Jewish Sabbath at the Tomb of the Patriarchs (Ma'arat Hamachpelah) in Hebron, a site holy to both Muslims and Jews. At the time of writing, this brutal terrorist attack has claimed the lives of at least 12 people, and injured approximately 20, some critically. The gunmen executed their ambush from the Abu-Sneinah neighbourhood, an area under Palestinian Authority control, and have continued firing to prevent rescue personnel from reaching the scene. The Palestinian terrorist organization Islamic Jihad, headquartered in Damascus, which is funded and supported by a number of States, including Iran, has claimed responsibility for the attack.

This gruesome attack comes just five days after a gunman from Chairman Arafat's own Fatah movement murdered five people at Kibbutz Metzer in northern Israel, including a mother and her two young sons in their beds.

These terrorist atrocities, involving the deliberate and calculated massacre of innocent children and worshippers, must shock the conscience of any decent human being. The international community, which has recently strongly condemned despicable acts of terror in other parts of the world, must be clear in its outright and unequivocal rejection of the ongoing brutal Palestinian terrorist campaign, including these most recent terrorist attacks.

What message is sent to Israeli and Palestinian civilians, and to people throughout the world by the steadfast refusal of the Palestinian Authority to take any action whatsoever to prevent terrorism, and its own encouragement and involvement

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in such acts, despite explicit legal obligations and repeated calls of the Security Council, including in resolutions 1435 (2002) and 1373 (2001)? What message is sent by the relentless incitement to hatred and violence, and the glorification and celebration of such repugnant actions by the Palestinian leadership in its media and its religious and educational institutions? What choice does Israel have in the face of these criminal and intolerable acts of carnage, and in the absence of any measures of Palestinian compliance with their legal and moral obligations, but to take the necessary measures in defence of its citizens?

The only hope for peace and security in our region will come with a Palestinian leadership that is genuinely committed to complying with its obligations, and ready to prevent all acts of terrorism and incitement in accordance with its duties under international law and Security Council resolutions. Israel calls on the international community to demand nothing less of the Palestinian leadership and its security forces.

When people at prayer and women and children in their homes are viewed as the legitimate targets of attack, in the name of so-called "resistance", then the Palestinian cause has reached a point of moral bankruptcy, which can destroy any hopes of peace, for Israelis and Palestinians alike. This bankruptcy remains the greatest obstacle to a return to a path of peaceful negotiations, which is the only way to ensure secure, peaceful and dignified coexistence for both peoples in accordance with Security Council resolutions 242 (1967) and 338 (1973) and 1397 (2002).

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 36 and 160. An identical letter has been sent to the President of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/1261

Security Council

Distr.: General
18 November 2002

Original: English

Letter dated 14 November 2002 from the Chairman of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait addressed to the President of the Security Council

I have the honour to transmit herewith, for the attention of the members of the Council, the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 1 of Security Council resolution 1382 (2001) (see annex).

The report was approved by the Committee on 13 November 2002.

(*Signed*) Ole Peter **Kolby**
Chairman
Security Council Committee established by resolution 661 (1990)
concerning the situation between Iraq and Kuwait

02-70085 (E) 191102

Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait on the implementation of the arrangements contained in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995)

I. Introduction

1. The present report is submitted to the Security Council pursuant to paragraph 1 of resolution 1382 (2001), which, among other things, reaffirmed the provisions of paragraph 6 of resolution 1360 (2001), in which the Committee was requested, in close consultation with the Secretary-General, to report to the Council prior to the end of the current phase (phase XI) of the Oil-for-Food Programme with regard to the implementation of the arrangements in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995). By paragraph 1 of resolution 1382 (2001), the Council decided that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12 and subject to paragraph 15 of resolution 1284 (1999), would remain in force for a new period of 180 days beginning at 0001 hours, Eastern Standard Time, on 1 December 2001.

2. The present report, the 18th of its kind, covers the Committee's major activities with regard to the implementation of the above arrangements during phase XI of the Oil-for-Food Programme, from 1 December 2001 to 29 May 2002.

II. Sale of petroleum and petroleum products

3. The oil overseers continued to advise the Committee on oil-pricing mechanisms, oil contract approvals and amendments, management of revenue objectives and other pertinent questions related to export and monitoring, under Security Council resolutions 986 (1995), 1175 (1998), 1242 (1999) and 1382 (2001). In that respect, the oil overseers have been involved in further discussions in the Committee on the issue of retroactive pricing and excessive premiums. At the request of the Committee, the oil overseers submitted a paper on the influence of retroactive pricing on reduced export levels of Iraqi crude oil (S/AC.25/2002/OIL/1382/OC.21) as well as a discussion paper on possible ways to reduce excessive premiums and maximize oil exports/revenues dated 14 March 2002.

4. As of 10 May 2002, the oil overseers, on behalf of the Committee, had approved 153 oil contracts involving purchasers from 37 countries. The total quantity of oil approved for export under those contracts corresponds to 363.3 million barrels, with an estimated value of 9.7 billion euros. However, the volume of oil lifted during the phase is expected to be substantially lower. The retroactive pricing system, as is the current practice of the Committee, in combination with the continued excessive premium demands of Iraqi crude oil contract holders, led to an average reduction of exports of 500,000 barrels per day, or $1.2 billion in lost revenue. In addition, starting on 8 April 2002, Iraq suspended its crude oil exports for one month. It is estimated that some US$ 1.2 billion in revenue were lost during the month of stoppage of exports. Before the suspension, 125 loadings, totalling

202.8 million barrels worth 4,356 million euros (US$ 3,924 million at the current rate of exchange), were completed. Iraqi crude oil export resumed on 9 May 2002.

5. All contracts submitted used the pricing mechanisms approved by the Committee, on the recommendation of the overseers. Letters of credit opened for each of the liftings were reviewed and confirmed by the overseers to be in accordance with the terms and conditions of the approved contracts. About 33 per cent of the volume lifted was from Ceyhan in Turkey.

6. The overseers have worked with the independent inspection agents (Saybolt Nederland BV) to ensure the effective monitoring of the relevant oil installations and the liftings. In that regard, they have received full cooperation from the Iraqi authorities.

7. Pursuant to paragraph 2 of the procedures of the Committee (S/1996/636), 1,028 national oil purchasers have been nominated from 84 countries that are authorized to communicate directly with the overseers.

8. Pursuant to paragraph 14 of the above-mentioned procedures, the overseers have continued to report weekly on contracts regarding the sale of petroleum originating from Iraq, including the cumulative quantity and approximate value of petroleum authorized for export. Pursuant to the request of the Security Council, a paragraph concerning market premiums paid for Iraqi crude oil has been included in the weekly reports starting on 1 October 2001. As of 10 May 2002, 282 reports had been submitted to the Committee.

III. Humanitarian supplies to Iraq

9. As in previous phases, during phase XI the Committee continued to attach high priority to the work of processing contracts for the supply of humanitarian goods to Iraq.

10. As of 30 April 2002, the Secretariat had received 2,127 applications under phase X for exports of humanitarian supplies to Iraq. Of that total, 116 were judged to be incomplete and non-compliant and 16 were judged to be inactive; 17 are still being processed; 156 were declared null and void; 815 were notified by the Secretariat; and 970 have been circulated to Committee members for action. Of those sent to the Committee, 661 were approved, totalling approximately US$ 2.04 billion; seven were still pending under the "no objection" procedure; and 302, with a total value of US$ 927 million, were placed on hold. During phase XI, from the beginning of phase XI until 30 April 2002, the Secretariat received 722 applications for the export of humanitarian supplies to Iraq. Of that total, 45 were deemed incomplete or non-compliant; 362 were notified by the Secretariat; 193 were circulated to Committee members for action; and 122 are still being processed. Of those sent to the Committee for consideration, 141 were approved, totalling approximately US$ 556 million; four are still pending under the "no objection" procedure; and 48, with a total value of US$ 189 million, have been placed on hold. During the reporting period, 365 applications were released from hold, with a total value of US$ 1.39 billion. Those figures correspond to all the applications (all phases) released from hold during the reporting period. From the beginning of the programme until 30 April 2002, 9,788 applications were approved, with a total value

of US$ 21.76 billion. As of 30 April 2002, 1,439 applications are still on hold, with a total value of US$ 4.36 billion.

11. The work of goods-arrival-confirmation by the United Nations independent inspection agents (Cotecna) has continued according to the established procedures at the four entry points to Iraq at Al-Walid, Trebil, Umm Qasr and Zakho. As in previous phases, the Iraqi authorities have accorded the independent agents full cooperation in their work. From the start of the programme to 30 April 2002, approximately 10,075 consignments of humanitarian supplies from previous phases for the 59 per cent account, with a value of US$ 18.92 billion, have been confirmed as having arrived in Iraq in total or in partial shipments.

12. In accordance with the recommendations contained in the letters of the Secretary-General to the President of the Security Council of 22 October 1999 (S/1999/1086) and 3 October 2000 (S/2000/950), members of the Committee continued reviewing humanitarian contracts placed on hold during the reporting period. Representatives from relevant United Nations agencies operating in Iraq and the Office of the Iraq Programme have briefed members on those occasions.

IV. Matters relating to oil spare parts and equipment for Iraq

13. The Committee has made continuous efforts to expedite the approval of applications for oil spare parts and equipment required for the oil sector. Pursuant to paragraph 18 of resolution 1284 (1999), the Security Council requested the Group of Experts appointed by the Committee to approve contracts for the parts and equipment referred to in paragraph 1 of resolution 1175 (1998). On 18 January 2002, the Committee received from the Office of the Iraq Programme a list of oil spare parts and equipment submitted pursuant to paragraph 18 of resolution 1284 (1999). The list was approved with amendments on 15 April 2002.

14. During the period under review and as of 30 April 2002, the Secretariat had received 672 applications related to the oil sector. Of that total, 10 applications were declared null and void, 172 were deemed incomplete or non-compliant, three were in the inactive category, 233 were notified by the Secretariat, 223 were circulated to Committee members for action and 25 are still being processed.

15. From the beginning of the process to 30 April 2002, the total allocation for oil spare parts and equipment amounted to US$ 4.2 billion. The number of applications received by the Committee for oil spare parts and equipment to Iraq under previous resolutions has reached a total of 5,627, with a value of US$ 4.23 billion. Of those, 197 were judged to be incomplete or non-compliant and 52 were judged to be inactive; 3,754 were circulated to the members of the Committee for their consideration; a total of 358 were declared null and void or cancelled; one was blocked; 27 are under active processing; and a total of 1,238 were approved by the Office of the Iraq Programme. Of the 3,754 applications circulated, 3,079 have been approved, with a total value of US$ 1.98 billion; 667 applications valued at US$ 722 million have been placed on hold; and eight applications are pending under the "no objection" procedure. As of 30 April 2002, partial or complete deliveries of contracts for spare parts and equipment for the oil sector were made up to a value of some US$ 1.34 billion. During the reporting period, 123 such contracts were released from hold, with a total value of US$ 116 million.

16. Members of the Committee have repeatedly reviewed contracts for oil parts and equipment that have been placed on hold and will continue to do so, as necessary, in the future, in accordance with the letters of the Secretary-General to the President of the Security Council (S/1999/1086 and S/2000/950).

V. Other activities

17. During the reporting period, the Committee held eight formal meetings and frequent informal consultations at the expert level to discuss various issues related to the humanitarian situation in Iraq and the implementation of the Oil-for-Food Programme. Much of the Committee's attention has been focused on issues related to holds, alleged sanctions violations and oil-pricing mechanisms.

18. During the reporting period, the Committee completed its series of informal meetings on sectoral activities, with presentations by the United Nations agencies and programmes concerned and discussions on holds in each sector. On 12 December 2001, members heard a briefing on the education sector in Iraq presented by the United Nations Educational, Scientific and Cultural Organization and the Office of the United Nations Humanitarian Coordinator in Iraq. On 20 February 2002, the World Food Programme briefed the Committee on the transport and food handling sector. On 20 March 2002, the Committee was briefed by the World Health Organization, the United Nations Children's Fund and the Office of the Coordinator on the health and nutrition sector. On 22 March 2002, the United States briefed the Committee on the status of holds. In addition, the Office of the Iraq Programme provided several written updates and briefings to the Committee on the issue of holds. Beginning 28 February 2002, the Office of the Iraq Programme began to compile priority lists of holds, specifying the 10 to 15 highest priority items on hold in each sector, for the Committee's attention and action, since the items on the priority lists are regarded as essential for the integrity and operation of critical systems and projects.

19. At its 227th meeting, on 3 December 2001, the Committee considered a proposal made by the Office of the Iraq Programme concerning additional operating procedures for crude oil monitoring mechanisms in Iraq. The proposal was subsequently approved on 14 December 2001. The Committee continued its discussions of the issue of a cash component for the oil sector. In addition, pursuant to paragraph 18 of resolution 1284 (1999), the Committee considered a communication of the Office of the Iraq Programme concerning the appointment of an oil industry expert to approve contracts for the supply of oil industry parts and equipment to Iraq. The matter is still under consideration.

20. The Committee considered a number of communications related to the case of the *Essex* tanker, which allegedly exported Iraqi oil outside the Oil-for-Food Programme. Following its letters of enquiry on the issue addressed to a number of States concerned in November 2001, the Committee, at its 227th meeting, considered a communication by a Dutch company concerning its payment made in that regard to the United Nations 778 escrow account. At its 232nd meeting, on 19 February 2002, the Committee discussed a response from the Bahamas on the outcome of investigations by the Bahamas authorities into the *Essex* case. In both cases, the Committee decided to await the conclusion of the ongoing investigations in all States concerned before proceeding to any follow-up action.

21. Also at its 227th meeting, the Committee considered a letter from Switzerland regarding the company Glencore International AG, which allegedly had intended to divert a shipment of oil from its original destination and sell it in Europe. The Committee decided to seek further information and clarifications from the Swiss authorities. In addition, a report from the Islamic Republic of Iran on the interception of an alleged oil smuggling attempt in its territorial waters was discussed at the Committee's 232nd meeting, on 19 February 2002.

22. The Committee received a briefing by the United Nations Treasurer at its 228th meeting, on 19 December 2001, regarding proceeds from the sale of illegal Iraqi oil cargoes; the Treasurer drew the Committee's attention to the discrepancy between the number of ships seized by the Multinational Interception Force and the number of deposits made to the United Nations 778 Escrow Account, where the proceeds of such oil sales must be deposited.

23. The United States briefed the Committee at its 233rd meeting, on 6 March 2002, on the issue of trucks shipped to Iraq under the Oil-for-Food Programme allegedly having been diverted to Iraq's military. There was no consensus in the Committee on how to respond to the United States brief. Iraq, for its part, addressed a letter to the Chairman of the Committee on 3 April 2002 denying the accusation.

VI. Conclusions

24. The Committee has devoted much time and effort to overcoming the difficulties arising from the implementation of the arrangements contained in paragraphs 1, 2, 6, 8, 9 and 10 of resolution 986 (1995). In the light of Security Council resolution 1409 (2002) of 14 May 2002, which made extensive changes based on the Goods Review List and the revised procedures for the current system, the Committee will continue to work closely with all the parties concerned to ensure the effective discharge of its responsibilities under all relevant Security Council resolutions. As in the past, the Committee wishes to reiterate its appreciation to all parties concerned for their cooperation and contributions.

United Nations S/2002/1262

Security Council

Distr.: General
19 November 2002
English
Original: English and French

Letter dated 23 October 2002 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

Acting within the scope of the powers vested in me and at the request of the Prosecutor, I am officially referring to you the failure of the Federal Republic of Yugoslavia to comply with its obligations to cooperate with the International Tribunal in accordance with article 29 of the Statute.

On 17 October 2002, the Prosecutor, Mrs. Del Ponte, informed me that the above-mentioned State was in serious breach of its international obligations in two areas. Firstly, it had failed to arrest or transfer the accused in its territory and, secondly, it had adopted a law on cooperation with the International Tribunal on 11 April 2002 which violates its commitments towards our institution.

I found the Prosecutor's arguments to be particularly persuasive and, for this reason, have decided to bring the matter before you.

As regards the first area, the Prosecutor and I are convinced that the Federal Republic of Yugoslavia is not cooperating in tracking down, arresting and transferring to The Hague certain of the accused, and we have strong grounds to believe that this also holds true for other accused as well. May I remind you that 11 accused — namely *Ratko Mladić* (indicted on 25 July 1995), *Miroslav Radić* (indicted on 7 November 1995), *Veselin Šljivančanin* (indicted on 7 November 1995), *Gojko Janković* (indicted on 18 June 1996), *Dragan Zelenović* (indicted on 18 June 1996), *Dragomir Milošević* (indicted on 24 April 1998), *Milan Lukić* (indicted on 21 October 1998), *Sredoje Lukić* (indicted on 21 October 1998), *Milan Milutinović* (indicted on 24 May 1999), *Vladimir Kovačević* (indicted on 22 February 2001) and *Vinko Pandurević* (indicted on 7 December 2001) — have still not been apprehended or brought before the International Tribunal. I wish to state that the indictments, arrest warrants and transfer orders for these accused have been served on the competent authorities of the Federal Republic of Yugoslavia on several occasions. As yet, we have still not seen any significant reaction on their part.

I therefore conclude that a more than reasonable period of time has passed without the State concerned having reported on the action taken in response to the indictments, arrest warrants and transfer orders issued by the International Tribunal

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and that, pursuant to rule 59 (B) of the Rules of Procedure and Evidence, I must therefore bring this matter before you.

Furthermore, may I remind you that, in keeping with the procedure set down under rule 61 of the Rules of Procedure and Evidence, the Tribunal issued international arrest warrants against *Miroslav Radić*, *Mile Mrkšić* and *Veselin Šljivančanin* on 3 April 1996, and against *Ratko Mladić* on 11 July 1996. Following those procedures, the Tribunal established that on each occasion the failure to serve the indictment was due to a failure or refusal of the Federal Republic of Yugoslavia to cooperate with the International Tribunal.

I further note that, in its resolution 1207 (1998) of 17 November 1998, the Security Council itself condemned the failure of the Federal Republic of Yugoslavia to cooperate in arresting three of the accused in the case IT-93-13a (known as the "Vukovar" case), that is to say, *Mile Mrkšić*, *Miroslav Radić* and *Veselin Šljivančanin*. Of these three accused, only *Mile Mrkšić* has appeared before the International Tribunal, and that was only after he handed himself in on 15 May 2002.

The Prosecutor and I also wish to state that article 39 of the law on cooperation adopted by the Federal Republic of Yugoslavia on 11 April 2002 contravenes international obligations to provide cooperation since it sets forth that any individual charged by the International Tribunal subsequent to the entry into force of the said law shall be tried by the Yugoslav courts. This is a flagrant violation of article 9 (2) of the Statute, which guarantees the primacy of the International Tribunal over the national courts. Furthermore, I underscore that rule 58 of the Rules of Procedure and Evidence explicitly provides that "[t]he obligations laid down in article 29 of the Statute shall prevail over any legal impediment to the surrender or transfer of the accused ... to the Tribunal which may exist under the national law or extradition treaties of the State concerned".

In addition, I wish to notify you that on 21 October 2002 Mrs. Del Ponte travelled to the Federal Republic of Yugoslavia, where she met with Mr. Goran Svilanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, and Mr. Zoran Djindjić, Prime Minister of the Republic of Serbia, in an attempt to resolve the impasse on these two issues. This final action was to no avail.

As the President of the International Tribunal responsible for the proper accomplishment of the mission you entrusted to it, I must remind you that, on 23 July 2002, you expressly mandated us to concentrate our work on the trial of the main civilian, military and paramilitary leaders, in particular so as to be able to complete our trial activities by around the end of 2008. However, we will be in a position to achieve this only if the Federal Republic of Yugoslavia and, for that matter, all of the States concerned cooperate fully with the International Tribunal. Any delay in the arrests will irremediably preclude the International Tribunal from completing its work within the anticipated time frames.

I am bringing this matter before you officially today as I thought that the international community should be informed of the failure of the Federal Republic of Yugoslavia to honour its international commitments, at a juncture when the said community must take decisions crucial for the future of the country vis-à-vis its accession to the Council of Europe and the North Atlantic Treaty Organization's Partnership for Peace.

For all of these reasons, the Prosecutor and I request that you take all the measures necessary in order to force the Federal Republic of Yugoslavia to assume fully its international obligations.

(*Signed*) Claude **Jorda**

United Nations S/2002/1263

Security Council

Distr.: General
19 November 2002
English
Original: French

Letter dated 19 November 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to express my profound concern regarding the latest actions of the Rassemblement congolais pour la démocratie (RCD/GOMA), which has levied new taxes in foreign currency and has devised new registration plates which are recognized, as if by chance, solely in Rwanda.

My Government regrets that, at a time when the Congolese people are meeting to engage in a dialogue in South Africa, RCD/GOMA — which is nothing but a primitive rebel movement whose existence depends solely on the will of its creator, namely, the regime in power in Rwanda — considers that it has the right to arrogate to itself the attributes of sovereignty of the Democratic Republic of the Congo.

My Government urges the Security Council to condemn, and to do its utmost to bring to an end, this criminal and irresponsible conduct of the leaders of RCD/GOMA designed to usurp the prerogatives of the Congolese State.

My Government also calls on the Security Council to insist that the leaders of RCD/GOMA instead devote their efforts to the negotiations aimed at concluding an inclusive agreement for transition in the Democratic Republic of the Congo.

Lastly, in order to ensure that these tendencies to pursue new forms of piracy in the Democratic Republic of the Congo are brought to an end, my Government wishes to call the attention of the Security Council to the urgent need to complete phase III of the United Nations Organization Mission in the Democratic Republic of the Congo, including its deployment in the eastern part of the country.

My Government requests you to have this letter distributed as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-69899 (E) 191102 191102

United Nations S/2002/1264

Security Council

Distr.: General
19 November 2002

Original: English

Letter dated 14 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to transmit to you herewith the text of a statement by Yoweri Kaguta Museveni, President of the Republic of Uganda in his capacity as Chairman of the Regional Peace Initiative on Burundi (see annex).

I would be grateful if you will have the present letter and the annex issued as a document of the Security Council.

(*Signed*) Semakula **Kiwanuka**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Uganda to the United Nations

02-69925 (E) 201102

Annex to the letter dated 14 November 2002 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council

Press statement issued by the Chairman of the Regional Peace Initiative on Burundi, President Yoweri K. Museveni

1. The Chairman of the Regional Peace Initiative on Burundi, Yoweri K. Museveni, today received the Facilitator of the Burundi Ceasefire talks, Deputy President Jacob Zuma of the Republic of South Africa in Kampala, Uganda.

2. The Facilitator updated the Chairman on the progress regarding the ceasefire negotiations involving the Transitional Government of Burundi and the Burundi armed groups, namely CNDD-FDD and Palipehutu-FNL.

3. The Chairman was encouraged to note that, since the start of the negotiations between the different Burundian parties to the conflict, the transitional Government and the CNDD-FDD of Pierre Nkurunziza were able to engage in actual ceasefire negotiations and had begun to make progress towards a ceasefire agreement. This signals a ray of hope that there is a real chance for a settlement among the warring parties so that peace can return to Burundi.

4. The Chairman, however, recalled the decision of the 18th Regional Summit, held in Dar-es-Salaam on 6 and 7 October 2002, by which the regional leaders gave the Burundian parties 30 more days within which to finalize a ceasefire agreement. The Summit was to reconvene immediately afterwards to review progress and decide on appropriate action to be taken to advance the peace process.

5. The Chairman noted that the deadline expired on 7 November 2002 without a ceasefire agreement in place. However, in view of the fact that the parties were making progress on the expiry date, and that the Facilitator did not have the mandate to extend the deadline, the Chairman has decided as follows:

I. To consult his colleagues, the regional leaders, at the 19th Regional Summit to be held within the next two weeks.

II. Requested the Facilitator to bring the Transitional Government in Burundi and the CNDD-FDD together within the two-week period to finalize all outstanding issues before the Summit.

III. Urged the transitional Government of Burundi and the CNDD-FDD to take advantage of this gesture.

Issued at Kampala on 12 November 2002.

United Nations S/2002/1265

Security Council

Distr.: General
20 November 2002
English
Original: Arabic

Letter dated 19 November 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 16 November 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning the violations of the demilitarized zone that were committed by United States and British warplanes in the period from 12 October to 8 November 2002, as shown in the attached table.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-69943 (E) 201102 211102

Annex to the letter dated 19 November 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter of 26 October 2002 (S/2002/1209, annex), I should like to inform you that in the period from 12 October to 8 November 2002 United States and British warplanes flying from bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) committed 552 hostile violations of our international boundaries. As shown in the table appended to this letter, the relevant Iraqi agencies have determined that the violations committed were as follows:

1. Armed and hostile aerial activity by the United States and the United Kingdom, violating our international boundaries from Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone, comprised 552 armed sorties in the Basrah, Muthanna, Dhi Qar, Najaf, Qadisiyah, Karbala', Maysan and Wasit governorates.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. An AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace provided support to all of the United States and British aircraft that carried out armed and hostile sorties, violating Iraq's airspace by way of the demilitarized zone.

4. From 12 October to 8 November 2002, a total of 18 remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and by way of the demilitarized zone.

All of the violations in question were committed by way of the demilitarized zone in which UNIKOM is stationed. One of UNIKOM's primary responsibilities is to monitor such hostile military operations and to report them and endeavour to halt them immediately.

UNIKOM has reported only 5 per cent of these violations. In your report on UNIKOM for the period from 21 March to 15 September 2002 (S/2002/1039), it is stated that UNIKOM reported 278 violations. It identified some of the aircraft that participated in the violations as F-15s, F-16s and A-10s but did not stipulate their nationality. The true number of the United States and British aircraft that violated our national airspace and were observed by the relevant Iraqi authorities was 4,370.

We urge the United Nations Secretariat to provide UNIKOM with systems capable of detecting all of the violations and their source so that it can notify the Security Council to take the necessary measures to halt these infringements forthwith. In paragraph 6 of your report on UNIKOM for the period from 28 March to 4 September 2001 (S/2001/913) it is stated that "[it should be noted] that the mission's inability to identify the States responsible for conducting such flights is in no way to be understood as condoning them". You also state in the report that the United States and the United Kingdom have acknowledged that they are continuing to enforce a no-flight zone in southern Iraq.

I urge you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you as soon as they occur and to specify the number and type of United States and British warplanes that violate the demilitarized zone, contravene the Security Council resolutions establishing the zone and commit aggression against Iraq, given that this constitutes State terrorism and wanton aggression against Iraq and against its people, its sovereignty and its territorial integrity, as well as against United Nations peacekeeping operations. I also ask you to alert the Security Council to its responsibility to halt this aggression and ensure that its perpetrators are held fully accountable for it under international law and in accordance with the Security Council resolutions relating to Iraq.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and by way of the demilitarized zone, 12 October-8 November 2002

Date	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km h)*	*Areas overflown*
12 October-8 November	Kuwait	0630-2110	F-14, F-15, F-16, F-18, drone	552, and 18 drones	8,000-11,000	180-780	Artawi, Jalibah, Samawah, Nasiriyah, Amarah, Kut, Lasaf, Najaf, Basrah, Diwaniyah, Nukhayb, Shatrah, Razzazah, Karbala'

United Nations S/2002/1266

Security Council

Distr.: General
20 November 2002
English
Original: French

Letter dated 19 November 2002 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a copy of the letter addressed to you by the Ivorian Government and indicating the agreement of the latter to the deployment of the intervention force of the Economic Community of West African States to replace the French forces which have been deployed on this mission at the request of the Ivorian Government since 18 October 2002 (see annex).

The original of the letter will be transmitted to you as soon as possible.

The Ivorian Government takes this opportunity to thank the Security Council for the unreserved support which it has rendered unceasingly since the outbreak of the conflict.

I should be grateful if you would have the letter from the Ivorian Government distributed as a document of the Security Council.

(*Signed*) D. Philippe **Djangone-Bi**
Ambassador
Permanent Representative

02-70175 (E) 201102 201102

Annex to the letter dated 19 November 2002 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Ministry of State

Ministry of Foreign Affairs and Ivorians Abroad

Department for the United Nations and specialized agencies

The Minister

Abidjan, 19 November 2002

I have the honour to call your attention to the fact that, in the context of the search for a peaceful solution to the conflict between the Ivorian Government and the rebels, the agreement for the cessation of hostilities, which was signed by the Representative of the current Chairman of the Economic Community of West African States (ECOWAS) and went into force on 18 October 2002, provided for the deployment of an intervention force to supervise the ceasefire.

The member countries of ECOWAS which have given their consent to participate in this force are, to date, Benin, Togo, the Niger, Ghana and Senegal. Once in place, this West African intervention force will be able to relieve the French forces deployed for supervision of the truce.

The Ivorian Government wishes to reaffirm its desire to settle this conflict by peaceful means and gives its consent to this deployment, which constitutes a vital phase in the implementation of the ceasefire agreement.

Consequently, I should be grateful for any action that the Security Council might envisage in support of this initiative of ECOWAS.

(*Signed*) Abou Drahamane **Sangaré**

United Nations S/2002/1267

Security Council

Distr.: General
20 November 2002

Original: English

Letter dated 19 November 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I refer to my letter of 13 September 2002 (S/2002/1031) and its annex, a revised consolidated directory of contact points in each State, in a number of international/regional organizations and agencies, as well as in the United Nations Secretariat, that may be approached by the Counter-Terrorism Committee or other States for information or assistance in connection with matters arising under resolution 1373 (2001).

The Counter-Terrorism Committee intends to continue to update the directory at regular intervals. Accordingly, I have the honour to attach a list incorporating a number of amendments and additions to the directory (see annex).

Any changes to the contact points should be notified to the Secretary of the Counter-Terrorism Committee, Sujata Mehta (tel.: (212) 963-3520; fax: (212) 963-7878; e-mail: ctc@un.org).

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-70362 (E) 211102

Annex

I. List of contact points by Member States/observer non-member States

NEW YORK	GOVERNMENT MINISTRY/AGENCY
Barbados Permanent Mission of Barbados to the United Nations 800 2nd Avenue, 2nd Floor New York, NY 10017 Tel (212) 867-8431 Fax (212) 986-1030 E:mail: barbados@un.int	Permanent Secretary (Foreign Affairs) Ministry of Foreign Affairs and Foreign Trade No. 1 Culloden Road St. Michael, Barbados Tel (246) 429-8285/436 2990 Fax (246) 429-6652/228-0838 E:mail: barbados@foreign.gov.bb
Finland First Secretary Permanent Mission of Finland to the United Nations 866 United Nations Plaza, Suite 222 New York, NY 10017 Tel (212) 355-2100 Fax (212) 759-6156 E:mail: sanomat.yke@formin.fi	Ministry for Foreign Affairs Legal Department, Unit for Public International Law P.O. Box 176 FIN-00161, Helsinki, Finland Tel (358-9) 1341-5733 Fax (358-9) 1341-5707 E:mail: OIK-11@formin.fi
Jamaica Permanent Representative Permanent Mission of Jamaica to the United Nations 767 Third Avenue, 9th Floor New York, NY 10017 Tel (212) 935-7509 Fax (212) 935-7607 E:mail: jamaica@un.int	Director International Organizations Department Ministry of Foreign Affairs and Foreign Trade 21 Dominica Drive Kingston 5, Jamaica Tel (876) 926-6159 Fax (876) 929-6733 E:mail: modmfaja@cwjamaica.com
Jordan Third Secretary Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations 866 Second Avenue, 4th Floor New York, NY 10017 Tel (212) 832-9553, ext. 227 Fax (212) 832-5346 E:mail: hyassat@jordanmissionun.com	Ministry of Foreign Affairs Amman, Jordan Tel (962-6) 464-4361, ext. 2405 Fax (962-6) 465-7837 E:mail : bhk@MFA.gov.jo

NEW YORK	GOVERNMENT MINISTRY/AGENCY
Luxembourg Counsellor, Deputy Permanent Representative Permanent Mission of Luxembourg to the United Nations 17 Beekman Place New York, NY 10022 Tel (212) 935 3589 Fax (212) 935 5896 E:mail: mbichler@un.int	Ministre plénipotentiarie Directeur des Affaires politiques au Ministère des affaires étrangères du Grand-Duché de Luxembourg 5, rue Notre Dame L-2210 Luxembourg Tel (352) 478-2310 Fax (352) 22-1989/22-3344 E:mail: schommer@mae.etat.lu
Micronesia (Federated States of) H.E. Ambassador Masao Nakayama Ambassador, Permanent Representative Permanent Mission of the Federated States of Micronesia to the United Nations 820 2nd Avenue, 17A New York, NY 10017 Tel: (212) 697-8370 Fax: (212) 697-8295	Mr. Paul Mcilrath Secretary Department of Justice P. O. Box PS-105 Palikir, Pohnpei FM 06041 Federated States of Micronesia 96941 Tel: (691) 320-2608 Fax: (691) 320-2234
Norway Minister Counsellor Permanent Mission of Norway to the United Nations 825 Third Ave., 39th Floor New York, NY 10022 Tel (212) 310-1259 Fax (212) 688-0554 E:mail: hjf@mfa.no	Department for Legal Affairs Ministry of Foreign Affairs 7, jinni plassen 1 Victoria Terrasse Oslo, Norway Tel (47-22) 243-600 Fax (47-22) 249-580/581 E:mail: rettsavd@mfa.no
Panama Permanent Mission of Panama to the United Nations 866 United Nations Plaza, Suite 4030 New York, NY 10017 Tel (212) 421-5420/5421 Fax (212) 421-2694 E:mail: emb@panama-un.org	Consejo de Seguridad y Defensa Publica Nacional (CSPDN) Presidencia de la Republica Panamá 4, República de Panamá Tel (507) 211-1811/1812 Fax (507) 225-9343/211-1815 E:mail: cspdn@eveloz.com
Portugal First Secretary Permanent Mission of Portugal to the United Nations 866 Second Avenue, 9th Floor New York, NY 10017 Tel (212) 759-9444 Fax (212) 355-1124	Head of Department of the International Political Organizations Ministry of Foreign Affairs Largo do Rilvas 1354-000 Lisboa Codex Portugal Tel (351) 21 394-6132 Fax (351) 21 394-6073

NEW YORK	GOVERNMENT MINISTRY/AGENCY
Qatar Permanent Mission of the State of Qatar to the United Nations 809 United Nations Plaza, 4th Floor New York NY 10017 Tel (212) 486 9335, 9336 Fax (212) 758 4952, 308 [illegible]630 E:mail: qatun@undp.org	Director Department of International Organizations, Conferences and Treaties Ministry of Foreign Affairs P.O. Box 250, Doha State of Qatar Tel (974) 433 4311 Fax (974) 442 4479 E:mail: akhal@mofa.gov.qa
Republic of Moldova Counsellor Permanent Mission of the Republic of Moldova to the United Nations 573-577 Third Avenue New York, NY 10016 Tel (212) 682-3523 Fax (212) 682-6274 E:mail: unmoldova@aol.com	Chief of division, Information and Security Service of the Republic of Moldova Tel (3732) 239 511 Fax (3732) 242 018 E:mail: armasu_vitalie@sis.md
Slovenia Third Secretary Permanent Mission of the Republic of Slovenia to the United Nations 600 Third Avenue, 24th Floor New York 10016 Tel (212) 370-3007 Fax (212) 370-1824 E:mail: aljaz.arih@gov.si	Department for Political Multilateral Affairs Ministry for Foreign Affairs Prešernova 25 1000 Ljubljana, Slovenia Tel (386-1) 478-2206 Fax (386-1) 478-2249 E:mail: janez.premoze@gov.si
Turkey Counsellor Permanent Mission of Turkey to the United Nations 821 United Nations Plaza, 10th floor New York, NY 10017 Tel (212) 450-9130 Fax (212) 949-0086 E:mail: msamsar@aol.com	Head of Department Directorate General of Intelligence and Research Ministry of Foreign Affairs Balgat/ANKARA Tel (90-312) 292 1832 Fax (90-312) 287 17 56 E:mail: nersen@mfa.gov.tr

II. List of contact points by international/regional organization and agency

International Organizations and Agencies
INTERNATIONAL ORGANIZATIONS
International Monetary Fund (IMF) Mr. R. Barry Johnston Division Chief, Special financial Supervisory Issues Monetary and Exchange Affairs Department 700 19th Street N.W. Washington D.C. 20431 Tel (202) 623 8980 Fax (202) 623 7830 E:mail: bjohnston@IMF.org Mr. Michael Moore (alternate) Tel (202) 623-8631 Fax (202) 623-7830 E:mail: mmoore@IMF.org
World Health Organization (WHO) Dr. Bill Kean, Director, Department of Governance, WHO/Geneva Tel (41 22) 7912851 Fax (41 22) 781 4843 E:mail: leusx@who.int Dr. Richard Alderslade, External Relations Officer, Health Policy, WHO Office at the United Nations
REGIONAL ORGANIZATIONS
Organization of American States (OAS), OAS-CICTE, 1889 F Street NW, Washington, DC 20006 Mr. Steven Monblatt Executive Secretary Inter-American Committee Against Terrorism (CICTE) Tel: 202 458 6852 E:mail: **smonblatt@oas.org** Mr. Kevin Newmeyer Program Director CICTE Tel: 202 458 6163 E:mail: **knewmeyer@oas.org**

United Nations A/57/621–S/2002/1268

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Security Council

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General Assembly
Fifty-seventh session
Agenda items 35 and 36

Question of Palestine

The situation in the Middle East

Security Council
Fifty-seventh year

Peaceful settlement of the question of Palestine

Report of the Secretary-General*

Summary

The present report is submitted in accordance with General Assembly resolution 56/36 of 3 December 2001 on the peaceful settlement of the question of Palestine. It contains replies received from the President of the Security Council and the concerned parties to notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 9 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to revive the peace process with a view to achieving a peaceful solution.

* The present report has been submitted after the established deadline in order to include as much updated information as possible.

02-70433 (E) 271102

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 56/36 of 3 December 2001 on the peaceful settlement of the question of Palestine.

2. On 8 August 2002, pursuant to the request contained in paragraph 9 of the above-mentioned resolution, the Secretary-General addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 56/36, which the General Assembly adopted on 3 December 2001, at its fifty-sixth session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 9 of the resolution 'requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 30 September 2002."

3. On 30 September 2002 the following reply was received from the Security Council:

> "The members of the Security Council have continued to follow with grave concern the tragic deterioration of the situation in the Middle East. They discussed the situation in the Middle East, including the Palestinian question, with growing frequency during this period. Several open debates were held for all Member States to express their views. At the beginning of 2002, Council members agreed to begin regular monthly informal briefings on the situation. The aim was to keep members up to date with developments in the region and to ensure a more regular exchange of views, including with the Secretary-General.
>
> "On 12 March, the Council adopted resolution 1397 (2002), which for the first time affirmed the Council's vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders. This resolution, along with Security Council resolutions 242 (1967) and 338 (1973) and the Arab Peace Initiative, initiated by Crown Prince Abdullah of Saudi Arabia and adopted by the Arab Summit in March 2002, have become widely accepted as the foundation for a just, lasting and comprehensive solution of the Arab-Israeli conflict. Implementation of these concepts, however, has remained fraught with difficulties and plagued by continuing violence on the ground.
>
> "As the violence escalated in early 2002, the Council adopted four resolutions (resolutions 1402 (2002), 1403 (2002), 1405 (2002), and most recently 1435 (2002)) and agreed Presidential Statements in April and July 2002. The Council's principal demands were an immediate ceasefire, withdrawal of Israeli troops from Palestinian cities, including Ramallah, cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction, cooperation with the special envoys of the United States of America, the Russian Federation, the United Nations and the

European Union ('the Quartet') and others and the implementation of the Tenet and Mitchell plans. In its resolution 1403 (2002), the Council demanded the implementation of resolution 1402 (2002) without delay. The Council (in its resolution 1405 (2002)) expressed its concern at the dire humanitarian situation of the Palestinian population, in particular reports from the Jenin refugee camp following operations by Israeli forces. It welcomed the initiative of the Secretary-General to develop accurate information on what happened in the Jenin refugee camp through a fact-finding team. However, the Secretary-General had to disband his fact-finding team after less than two weeks in the face of Israeli difficulties with the deployment of the team. Council members regretted that development but continued to support fully the efforts of the Secretary-General in that regard. In its resolution 1435 (2002), the Security Council expressed grave concern at the reoccupation of the headquarters of the President of the Palestinian Authority in the city of Ramallah that took place on 19 September 2002, demanding its immediate end. It also demanded that Israel immediately cease measures in and around Ramallah, including the destruction of the Palestinian civilian and security infrastructure, and demanded the expeditious withdrawal of the Israeli occupying forces from Palestinian cities. The Council called on the Palestinian Authority to meet its expressed commitment to ensure that those responsible for terrorist acts are brought to justice by it. In resolution 1435 (2002), the Council condemned all terrorist attacks against any civilians and reiterated the need for respect in all circumstances of international humanitarian law. It also reiterated its demand for the complete cessation of all acts of violence. Finally, the Council expressed its full support for the efforts of the Quartet and called upon the Government of Israel, the Palestinian Authority and all States in the region to cooperate with those efforts, and recognized in that context the continuing importance of the initiative endorsed at the Arab League Beirut Summit."

4. In a note verbale dated 27 June 2002 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as that of the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 15 November 2002, the following replies had been received.

Note verbale dated 15 August 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"As the Secretary-General is aware, Israel voted against this resolution and similar resolutions adopted by the General Assembly in previous sessions. In the light of the urgent need to bring an end to all acts of violence and terrorism in the region and to return to the agreed negotiating process, Israel wishes to put on record, once again, its position on this matter.

"Israel views the aforementioned General Assembly resolution not only as unbalanced, but also as undue interference in matters which the parties have agreed to resolve within the context of direct bilateral negotiations.

"The current violence in the region is a result of a Palestinian decision to abandon peace negotiations and pursue their goals through violence and terrorism. The one-sided approach reflected in the resolution, which seeks to dictate the outcome of the negotiating process, effectively rewards violence at a time when the Palestinian side should be compelled to renounce all acts of violence and terrorism and return to the path of peaceful dialogue."

Note verbale dated 3 October 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"General Assembly resolution 56/36, which is the main political resolution regarding the question of Palestine, was adopted by the General Assembly at its fifty-sixth session by an overwhelming majority (131-6-20), reflecting long-established convictions and positions of the international community on this important issue. In resolution 56/36, the Assembly recalls several principles of international law and the Charter of the United Nations, including, inter alia, the principle of equal rights and self-determination of peoples and the principle of inadmissibility of the acquisition of territory by force. In the resolution, the Assembly also expresses its full support for the peace process and sets forth the basis for a just settlement of the question of Palestine. Further, the Assembly emphasizes the permanent responsibility of the United Nations with regard to the question of Palestine until it is resolved in all its aspects and emphasizes the importance of a more active and expanded role for the Organization in the peace process.

"In addition to the reaffirmation of principles, the General Assembly addresses in resolution 56/36 the serious deterioration of the situation on the ground in the Occupied Palestinian Territory, including Jerusalem, and the difficulties facing the Middle East peace process. In this regard, the Assembly expresses its deep concern over the tragic events that have taken place in Occupied East Jerusalem and the Occupied Palestinian Territory since 28 September 2000, resulting in a high number of deaths and injuries, mostly among Palestinian civilians. Deep concern is also expressed over the continued imposition of closures and restrictions by Israel on the Occupied Palestinian Territory and the Israeli incursions into Palestinian-controlled areas and actions against Palestinian institutions.

"Furthermore, in resolution 56/36, the General Assembly, inter alia, calls upon the concerned parties, the co-sponsors of the peace process and other interested parties, as well as the entire international community, to exert all efforts and initiatives necessary to immediately reverse all measures taken on the ground since 28 September 2000 and to ensure a speedy resumption of the peace process. Regrettably, the peace process has not resumed as the Israeli side has continued to refuse to adhere to understandings and agreements reached between the two sides and to implement overdue provisions. Moreover, during this time, the Israeli occupying forces have only continued to carry out daily military actions against the Palestinian people and the Palestinian leadership, including against the President of the Palestinian Authority. This Israeli military campaign intensified in particular in March 2002, leading to the reoccupation of Palestinian cities, the destruction of most of the institutions of the Palestinian Authority, and almost a return to the

situation before the peace process. Overwhelmingly, the actions taken by the occupying forces in the course of this bloody military campaign have constituted grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. Indeed, the Israeli occupying forces have committed countless war crimes, State terrorism and systematic human rights violations against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem. As a result, the situation on the ground has continued to gravely deteriorate.

"The dramatic and tragic decline of the situation since last year has been characterized by an escalation of the excessive and indiscriminate use of force by the Israeli occupying forces against the Palestinian people, including children, women and men. Throughout this time, the Israeli occupying forces continued to launch attacks in Palestinian cities, towns and refugee camps, using all forms of heavy weaponry, including tanks, helicopter gunships and warplanes. Since 28 September 2000, and as of the date of this note, the Israeli occupying forces have killed more than 1,830 Palestinians. Many of the killings committed in the past year by the occupying forces have been wilful killings and targeted extrajudiciary executions. In addition, more than 35,000 Palestinians have been injured, many critically and many suffering permanent disabilities. The occupying forces have also abducted and detained thousands of Palestinians, particularly males, throughout this period.

"At the same time, the Israeli occupying forces have caused vast destruction to Palestinian homes, land and vital infrastructure. Thousands of homes have been damaged or completely demolished, leaving thousands of Palestinians homeless. Countless agricultural fields have been laid to ruin by the occupying forces and hundreds of thousands of productive trees have been uprooted. Public buildings, facilities and institutions have been destroyed, water and electricity networks have been damaged and disrupted, and hundreds of roads have been bulldozed or razed. In addition, the occupying forces have even inflicted damage on United Nations property, particularly facilities and buildings of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the area. Moreover, Israel, the occupying Power, has continued to impose severe restrictions on the movement of persons and goods, including humanitarian and medical aid and personnel, into and out of the Occupied Palestinian Territory. This military siege being imposed and the constant, and frequently round-the-clock, curfews have further devastated the difficult socio-economic conditions of the Palestinian people. Indeed, they have caused the total disruption and virtual collapse of the economic, social, health, educational and cultural life of the Palestinian people, who for many months now have been facing a dire humanitarian crisis.

"The actions and measures taken by Israel, the occupying Power, have, as noted, violated international humanitarian law and they have also violated relevant resolutions of the United Nations, including those of the Security Council. Since the adoption of General Assembly resolution 56/36, the Security Council has adopted five resolutions on the matter, namely resolution 1397 (2002) of 12 March 2002, resolution 1402 (2002) of 30 March 2002, resolution 1403 (2002) of 4 April 2002, resolution 1405 (2002) of 19 April 2002, and resolution 1435 (2002) of 24 September 2002. In addition, the

General Assembly resumed its tenth emergency special session, on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, in December 2001 and in May 2002, adopting three resolutions in total, namely resolutions ES-10/8 and ES-10/9 of 20 December 2001 and ES-10/10 of 7 May 2002. Israel, the occupying Power, has not fully complied with any of those resolutions, further exacerbating the already grave situation.

"The provisions of the above-mentioned resolutions of the Security Council and of the tenth emergency special session of the General Assembly, if complied with and implemented, would, both then and now, have certainly contributed to a calming of the situation on the ground, with many lives saved, as well as to a resumption of peace negotiations between the two sides. In this regard, the Palestinian side has repeatedly expressed its support for those resolutions and expressed readiness to adhere to the provisions of the resolutions. A review of the provisions of the above-mentioned Security Council resolutions is pertinent to illustrate how it is Israeli non-compliance that has prevented the full implementation of those resolutions and has perpetuated the cycle of tragic violence on the ground.

"In resolution 1397 (2002), the Security Council affirmed, for the first time, the Council's vision of a region in which two States, Israel and Palestine, live side by side within secure and recognized borders. It is important here to note that this resolution, along with Security Council resolutions 242 (1967) and 338 (1973) and the Arab Peace Initiative initiated by Saudi Crown Prince Abdullah and adopted by the Council of the League of Arab States at its summit held in Beirut in March 2002, have become widely accepted as the basis for a just, lasting and comprehensive solution for the Arab-Israeli conflict, the core of which is the question of Palestine.

"As the violence continued to escalate in late March 2002 and thereafter, the Security Council adopted the other four resolutions mentioned above in addition to issuing two presidential statements in April (S/PRST/2002/9) and July 2002 (S/PRST/2002/20). In resolution 1402 (2002), adopted in response to the reoccupation of Palestinian cities, the Council called for an immediate ceasefire; the withdrawal of Israeli occupying forces from Palestinian cities, including Ramallah; a cessation of all acts of violence; and cooperation with efforts to implement the Tenet security work plan and the Mitchell Committee recommendations. As indicated in our note last year, Israel resisted all efforts to implement those recommendations and even took positions undermining them. In the process, Israel managed to bury the Mitchell recommendations, thus destroying yet another international attempt to end the cycle of violence and to extricate the parties from the current situation. Security Council resolution 1403 (2002) followed, with the Council demanding the implementation without delay of resolution 1402 (2002), which is still without results on the ground. Actually, Israel, the occupying Power, has publicly rejected both resolutions and continues to this date with its reoccupation of Palestinian cities.

"With the continued deterioration of the situation on the ground, and the intensification of attacks by the occupying forces, especially in the Jenin refugee camp in April 2002, the Security Council convened once again and

adopted resolution 1405 (2002), expressing its concern at the dire humanitarian situation of the Palestinian population, in particular reports from the Jenin refugee camp of an unknown number of deaths and destruction. The Council also welcomed the initiative of the Secretary-General to develop accurate information regarding the events in the Jenin refugee camp through a fact-finding team. However, the Secretary-General, had to disband the team in the face of Israeli refusal to cooperate with him in the implementation of resolution 1405 (2002). Pursuant to the request made by the General Assembly in its resolution ES-10/10 of 7 May 2002, the Secretary-General presented a report (A/ES-10/186), drawing upon the available resources and information, on the events that had taken place in Jenin and in other Palestinian cities.

"The Palestinian side took the necessary steps in response to the Secretary-General's request to provide information relevant to the implementation of resolution ES-10/10. A detailed Palestinian report was submitted to the Secretary-General to assist in the development of an accurate assessment of the atrocities and serious violations of international law committed by the Israeli occupying forces against the Palestinian people. The Israeli side, however, refused to cooperate with the Secretary-General and submitted no response or information in that regard. Although the Secretary-General did present a report on the matter, the issue has not been closed, as a full investigation was not possible owing to Israel's intransigence. The international community should continue to condemn the atrocities and war crimes committed in the Jenin refugee camp as well as the Israeli prevention of a full investigation, in addition to condemning other Israeli atrocities committed in other Palestinian cities.

"Most recently, in resolution 1435 (2002), the Security Council expressed its grave concern at the reoccupation of the headquarters of the President of the Palestinian Authority in Ramallah that took place in September 2002, demanding its immediate end. It also demanded that Israel immediately cease measures in and around Ramallah, including the destruction of Palestinian civilian and security infrastructure, and demanded as well the expeditious withdrawal of the Israeli occupying forces from Palestinian cities. Furthermore, the Council condemned all terrorist attacks against any civilians and reiterated the need to respect international humanitarian law in all circumstances. It also reiterated its demand for the complete cessation of all acts of violence. Finally, in resolution 1435 (2002), the Council expressed its full support for the efforts of the Quartet and called upon the Government of Israel, the Palestinian Authority and all States in the region to cooperate with those efforts. Israel, the occupying Power, as a result of international pressure, has indeed ended its siege of the headquarters of the President of the Palestinian Authority. While that was a step in the right direction, all provisions of the resolution must be implemented.

"The Palestinian side has repeatedly expressed its readiness to cooperate with the efforts of the Quartet and other concerned parties and continues to do so, especially with regard to efforts for the full implementation of resolution 1435 (2002). In general, the efforts of the Quartet must be renewed and intensified in the face of the ongoing decline of the situation on the ground, with the consequent negative impact on the stability and security of the region, and the grave humanitarian crisis being faced by the Palestinian people.

Simultaneously, serious efforts must be undertaken, as stressed in resolution 56/36, towards the realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to establish an independent State. This can only be fully achieved with the withdrawal of Israel from the Palestinian territory it has illegally occupied since 1967.

"Palestine expresses its appreciation for the role being played by the United Nations in this regard, including the efforts and important role of the Secretary-General. In particular, Palestine expresses its support for the Secretary-General's calls for the political, security and economic issues to be dealt with in tandem. Palestine stresses the necessity for a comprehensive approach, which would also mean spelling out the form of the final settlement in advance while reaching agreement on specific steps leading to it. In addition, Palestine expresses its strong support for the proposal made by the Secretary-General before the Security Council, on 18 April 2002, for the deployment of a robust and credible multinational force to help end the cycle of violence and establish a secure environment in the Occupied Palestinian Territory, conducive to the resumption of normal economic activity by the Palestinian people, the unimpeded delivery of humanitarian and development assistance and the implementation of prior commitments and agreements between the two sides, thereby creating favourable conditions for the resumption of political negotiations towards a final settlement."

Note verbale dated 23 July 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General

"The Syrian Arab Republic has repeatedly affirmed that the establishment of a just and comprehensive peace in the Middle East must be based on the implementation of the relevant United Nations resolutions, namely Security Council resolutions 242 (1967) and 338 (1973) and on the principle of land for peace which was the basis on which the peace process was launched in Madrid in 1991.

"The Syrian Arab Republic affirms that the case of Palestine is at the core of the Arab-Israeli conflict and that it is therefore essential to achieve a just settlement based on the resolutions of the United Nations, the establishment of an independent Palestinian State with its capital in Jerusalem, guaranteeing the right of the Palestinian people to return and their right to self-determination on the basis of the principle of the equal rights of peoples, which is one of the purposes and principles of the Charter of the United Nations, and the resolution of the problem of the Palestinian refugees in accordance with General Assembly resolution 194 (III) of 11 December 1948.

"The establishment of a just and comprehensive peace in the region requires Israel, the occupying Power, to withdraw from all the Arab territories it occupied in 1967 to the line of 4 June, including Jerusalem and the Syrian Golan, and also from the remaining occupied Lebanese territories, to guarantee the exercise of the inalienable rights of the Palestinian people, foremost among them being the right to self-determination and the right to establish an independent State on the soil of its homeland with Jerusalem as its capital.

This requires Israel to cease its hostile and expansionist policies that are subversive of peace and to defer to international legitimacy and renounce its policy of hegemonism, the building of settlements and the confiscation of land, thereby ensuring the establishment of a just and comprehensive peace in the region."

II. Observations

5. Over the past year, the Israeli-Palestinian conflict has deteriorated further, eroding many of the achievements of the peace process. The ongoing cycle of violence and retaliation has further inflamed political tensions and caused a significant death toll on both sides. The international community, united in its support for the vision of two States living side by side in peace and security, has continued to develop initiatives aimed at stopping the violence and bringing the parties back to the negotiating table.

6. Since the outbreak of the intifada at the end of September 2000, more than 1,800 Palestinians have been killed and some 25,000 injured. On the Israeli side, more than 600 people have been killed and over 4,000 injured. I have urged both sides to live up to their obligations under international humanitarian law to ensure the protection of civilians. Illegitimate or illegal means cannot be justified by reference to legitimate objectives — whether they be an end to occupation and statehood for Palestinians or security for Israelis. Beyond the question of legality, surely we need no further reminder of the ultimate futility of the present course than the hundreds of deaths, thousands of injuries and tens of thousands of grieving families and friends of the victims of this conflict. The parties are on a path leading to further pain and suffering — a path that will bring neither closer to achieving its stated goals.

7. The situation reached a particularly dangerous point at the end of March 2002, following a Palestinian suicide bomb attack in the Israeli city of Netanya. After that terrorist attack, which left 28 persons dead and 140 injured, the Israel Defence Forces (IDF) launched a massive military operation in the West Bank, leading to the reoccupation of cities under full Palestinian control (Area A). That operation, called "Defensive Shield" by Israel, inflicted severe damage on the Palestinian security and civilian infrastructure and created a humanitarian and human rights crisis. To address the sharpening trend towards greater violence and the attendant consequences for both sides, in April 2002 I proposed the deployment of a multinational force to help provide security for Israeli and Palestinian civilians, and to promote an environment conducive to the resumption of negotiations. This proposal remains on the table.

8. The Israeli incursion into the Jenin refugee camp in April led to allegations of human rights abuses and violations of international humanitarian law. Following consultations with, inter alia, members of the Security Council and the Government of Israel, I offered to send an impartial fact-finding team to compile an accurate account of what had occurred. In resolution 1405 (2002), the Security Council unanimously accepted that offer, and I then named a team headed by former President Martti Ahtisaari of Finland. Israel subsequently raised objections to the implementation of resolution 1405 (2002) that were fundamental in nature and which effectively precluded the team's visit to the region. With great regret, I found

it necessary to disband the team. In May 2002, the General Assembly at its resumed emergency special session requested me to submit a report on the events in Jenin and other Palestinian cities on the basis of available resources and information. My report (A/ES-10/186) was issued on 30 July 2002.

9. A particularly worrying trend was the rapid expansion of Israeli settlements in the West Bank, including those around East Jerusalem, despite repeated international calls for a freeze on all such activity and an end to land confiscations. These settlements, and the road networks that serve them, are enveloping East Jerusalem, cutting it off from other Palestinian areas in the West Bank, which would be split into two. Other new settlement projects would bisect the northern West Bank and encircle both Bethlehem and Hebron to the south. Such settlement activity is illegal under international law and should be halted.

10. The escalating confrontation has had a devastating impact on the humanitarian and economic situation in the occupied Palestinian territory. The Palestinian economy has virtually ceased to function in some areas, owing largely to the Israeli policy of curfews and closures. More and more people are living below the poverty line. In August, I sent Ms. Catherine Bertini to the region, as my Personal Humanitarian Envoy, to review humanitarian needs in the light of recent developments. As Ms. Bertini noted in her report, this is not a "traditional" humanitarian crisis. It is inextricably linked to the conflict and to the measures imposed by Israel in response to terrorist and other attacks: closures, curfews and tight restrictions on the movement of goods and people. On 17 September 2002, the Quartet reviewed the recommendations contained in Ms. Bertini's report and urged the parties to recognize and act upon their respective responsibilities. In particular, it urged Israel to take measures to improve the lives of Palestinians, by, inter alia, allowing the resumption of normal economic activity, facilitating the movement of goods, people and essential services and lifting curfews and closures. In addition, the members of the Quartet agreed that Israel must ensure full, safe and unfettered access for international and humanitarian personnel.

11. The growing humanitarian needs of the Palestinian population must be met. At the same time, in doing so the international community should not lessen its efforts to revive a sustainable peace process. It cannot be overemphasized that there is no military solution to this conflict. The realization of legitimate Palestinian national aspirations and genuine security for Israel can only be achieved through compromise and a negotiated settlement. The road map being set out by the Quartet offers a way forward (see para. 14 below).

12. Over the past year, the situation in the Middle East, including the Palestinian question, has been the subject of extensive consultations and debates in the Security Council. Since January 2002, regular briefings have been held in order to update the Council on the latest developments in the Middle East. Five new resolutions were adopted by the Security Council, in particular resolution 1397 (2002), affirming the Council's vision of a region where two States, Israel and Palestine, would live side by side within secure and recognized borders. This vision of a two-State solution has gained universal support in the international community.

13. It is a matter of particular regret to me that so little remains of the mutual trust that had been so painstakingly built between the parties. Regular and consistent third-party involvement and encouragement is needed to help them find a way out of the current vicious cycle of destruction. To this end, I personally and my

representatives in the region have continued to devote a great deal of attention to this issue. I have maintained close and regular contacts with the parties and other leaders in the region and the international community to try to find a way forward.

14. As part of this effort, the United Nations, the United States, the Russian Federation and the European Union came together to form a new coordinating mechanism for international peace efforts known as the Quartet. The Quartet met for the first time at the principals' level at United Nations Headquarters in New York in November 2001. At a principals' meeting in Madrid in April 2002, the Quartet called for a three-pronged approach to address comprehensively security, economic and political concerns. In May 2002, in Washington, D.C., the Quartet announced its intention to work with the parties to hold an international peace conference focused on attaining the two-State goal set forth in Security Council resolution 1397 (2002). In July 2002, in New York, the Quartet agreed to pursue the following goals: two democratic States living side by side in peace and security; a complete and lasting halt to violence and terrorism; an end to the occupation that began in 1967; a halt to settlements; reform of the Palestinian Authority's security and civilian institutions; the holding of Palestinian elections; and the conclusion of permanent settlement negotiations on the outstanding issues within three years. In September 2002, the Quartet agreed on a three-year, three-phase implementation road map to achieve a comprehensive settlement. Progress would be based on compliance with specific performance benchmarks to be monitored and assessed by the Quartet. The details of that road map are being worked out. In this context, I am very encouraged by the growing involvement of the parties and neighbouring Arab States in a direct dialogue with the Quartet.

15. In March 2002, the Summit of the League of Arab States unanimously adopted — as the Arab Peace Initiative — the plan proposed by Crown Prince Abdullah bin Abdul Aziz of Saudi Arabia calling for full Israeli withdrawal from all the Arab territories occupied since June 1967 and for Israel's acceptance of an independent Palestinian State with East Jerusalem as its capital, in return for the establishment of normal relations with the Arab countries in the context of a comprehensive peace with Israel. This initiative introduced a new and important element in the search for a lasting political solution: the collective political commitment of the Arab world to long-term peace with Israel. The Arab Peace Initiative will remain a crucial element in future peace efforts.

16. As the General Assembly has underscored on many occasions, the achievement of a final and peaceful settlement of the question of Palestine — the core issue of the Arab-Israeli conflict — is imperative for the attainment of a comprehensive and lasting peace in the Middle East. I hope that there will also be movement on the Syrian and Lebanese tracks so that peace, security and stability will be achieved for all people in the region on the basis of Security Council resolutions 242 (1967) and 338 (1973). It is my considered view that our common vision for a truly comprehensive peace can only be realized if all concerned, namely the parties, the key regional players, and the wider international community, live up to their respective responsibilities and work together to make it possible.

17. For its part, the United Nations will continue to support the resumption of a meaningful peace process and will remain at the forefront of efforts to alleviate the severe economic and social hardships of the Palestinian people. I call on the international community to provide the necessary resources in support of United

Nations programmes to address the deteriorating economic and humanitarian situation of the Palestinian people, and especially to provide adequate funding for UNRWA so that it can continue to deliver the necessary services to Palestinian refugees. Donor assistance is especially crucial at a time when the humanitarian situation is so critical.

18. I should like to pay special tribute to Terje Roed-Larsen, United Nations Special Coordinator and my Personal Representative, and to the staff of the Office of the Special Coordinator, as well as to Peter Hansen, Commissioner-General of UNRWA and the staff of that Agency and all other United Nations agencies, who have rendered sterling service while working under the most demanding and difficult circumstances.

United Nations A/57/588–S/2002/1269

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General Assembly
Fifty-seventh session
Agenda item 10
Report of the Secretary-General on the work of the Organization

Security Council
Fifty-seventh year

Prevention of armed conflict: views of organs, organizations and bodies of the United Nations system

Report of the Secretary-General*

Summary

The present report is submitted pursuant to paragraph 3 of General Assembly resolution 55/281, in which the Assembly called upon all relevant organs, organizations and bodies of the United Nations system to consider, in accordance with their mandates, the recommendations addressed to them in the report of the Secretary-General on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1). The report provides details of the action taken to date to fulfil the provisions of resolution 55/281.

* Owing to incoming replies from organs, organizations and bodies of the United Nations system to the letter of the Secretary-General dated 15 May 2002, the report could not be submitted at an earlier date.

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1. The present report has been prepared in accordance with paragraph 3 of General Assembly resolution 55/281 of 1 August 2001, in which the Assembly called upon all relevant organs, organizations and bodies of the United Nations system to consider, in accordance with their mandates, the recommendations addressed to them in the report of the Secretary-General on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), and to inform the Assembly, preferably during its fifty-sixth session, of their views in this regard.

2. In a letter dated 26 April 2002 (A/56/935), the President of the General Assembly requested the Secretary-General to bring the request contained in paragraph 3 of resolution 55/281 and the report on the prevention of armed conflict to the attention of the relevant organs, organizations and bodies of the United Nations system. The President also requested that the Secretary-General submit to the General Assembly a report setting out, in a consolidated form, any views submitted by the aforementioned organs, organizations and bodies pursuant to paragraph 3 of resolution 55/281, as well as the replies, if any, received from regional and subregional organizations and/or civil society actors mentioned in paragraphs 2 and 4 of the same resolution.

3. On 15 May 2002, the Secretary-General addressed a letter to 42 organs, organizations and bodies of the United Nations system. As at 25 October 2002, 26 submissions had been received.[1] The replies discuss in some detail the progress made towards implementing the recommendations contained in the report of the Secretary-General. As more replies are submitted from relevant United Nations organs, organizations and bodies, as well as from regional and subregional organizations and civil society actors, the Secretary-General will issue a more comprehensive, final report on the matter. The texts of the submissions from two principal organs of the United Nations, the International Court of Justice and the Economic and Social Council, are reproduced in annexes I and II to the present report. The Security Council had adopted a substantial resolution on the matter on 30 August 2001 (resolution 1366 (2001)).

4. The General Assembly and the Economic and Social Council have stipulated that, when a document is prepared on the basis of submissions by the agencies and programmes of the United Nations system, such submissions should not be reproduced in extenso in the body of the document or in an annex to it. Therefore, the replies received from agencies and programmes of the United Nation system are not reproduced in the present report. The Assembly and the Council decided that, should the body concerned wish to view the texts of such replies and submissions, the Secretariat should make them available in the original language and in an appropriate form. Consequently, when the Assembly resumes its discussion of this item at its fifty-seventh session, the Secretariat can make the full texts of the submissions available to interested delegations.

5. In their replies, the organs, organizations and bodies of the United Nations system reinforce the central premise of the report on the prevention of armed conflict. Conflict prevention lies at the heart of the United Nations mandate to maintain international peace and security. Preventing potential conflicts from violent outbreak is imperative not only for long-term security but is also essential for sustainable development. It is far better and more cost-effective to prevent deadly conflicts than to find a cure once conflicts have erupted. The entire United Nations system is prepared to work towards this goal in its daily work, as well as through its

various cooperative mechanisms as described in the report of the Secretary-General on the prevention of armed conflict.

6. The most valuable contribution that Member States can make towards this end is to enhance their national capacity for prevention. The United Nations is well placed to assist in this endeavour. The aftermath of 11 September 2001 not only reinforced the urgency of prevention, it also reaffirmed that prevention is not merely a choice but also a compelling necessity at the national, regional and international levels. The menace of terrorism and weapons of mass destruction has also heightened the need for far-reaching cooperation in the international community in its move towards a culture of prevention. From the responses received, it is obvious that there is a sense of urgency in the entire United Nations family to undertake enhanced efforts in cooperation and coordination.

7. A greater coherence within the United Nations system will better enable the Organization to assist Member States in enhancing their national capacity for conflict prevention. The United Nations family of organs, organizations and bodies noted its interaction with Governments and United Nations partners in this area of growing cooperation. For example, the Executive Committee on Peace and Security has established an interdepartmental and inter-agency resource group, which is making plans to implement the recommendations contained in the report on the prevention of armed conflict, including those that address the roles of regional organizations, civil society and the private sector in contributing to strategies that prevent violence.

8. The United Nations has a moral responsibility to ensure that genocides, such as the one perpetrated in Rwanda, are prevented from ever happening again. The world can no longer bear the moral, humanitarian and other costs of not preventing violent conflicts. The Secretary-General will work tirelessly with partners in the United Nations system and within the entire international community to move the Organization from a culture of reaction to a culture of prevention, not only in rhetoric but in concrete, system-wide action.

Recommendation

9. **It is reassuring that a general consensus is gradually emerging among Member States that comprehensive and coherent conflict prevention strategies offer the greatest potential for promoting lasting peace and creating an enabling environment for sustainable development. The General Assembly is urged to adopt a strong and substantive resolution in support of conflict prevention, as the Security Council did on 30 August 2001.**

10. **As more replies are submitted from relevant United Nations organs, organizations and bodies, as well as from regional and subregional organizations and civil society actors, the Secretary-General will submit a further report on this matter, including a consolidated summary of all replies received, in accordance with paragraphs 2 to 4 of General Assembly resolution 55/281.**

Notes

[1] The responding organizations were the following, listed in the order in which the submissions were received: World Intellectual Property Organization, United Nations Industrial Development Organization, International Maritime Organization, International Court of Justice, United Nations Office for Drug Control and Crime Prevention, United Nations Institute for Training and Research, United Nations Institute for Disarmament Research, World Bank Group, World Food Programme, United Nations System Staff College, Universal Postal Union, United Nations Conference on Trade and Development, Economic and Social Council, International Labour Office, Organization for the Prohibition of Chemical Weapons, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, United Nations Children's Fund, United Nations Development Programme, United Nations University, United Nations Research Institute for Social Development, United Nations Population Fund, United Nations Interregional Crime and Justice Research Institute and United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Annex I

Letter dated 18 June 2002 from the President of the International Court of Justice addressed to the Secretary-General

I refer to your letter dated 15 May 2002, whereby you asked me to provide you with the views of the International Court of Justice on your report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1) and its recommendations. This is undoubtedly a topic of the utmost importance and I would add that I wholeheartedly agree that conflict prevention lies at the heart of the mandate of the United Nations in the maintenance of international peace and security.

With regard to your report, I would make the preliminary point that the International Court of Justice has indeed lived up to its role in the Charter of the United Nations as an essential instrument in the pacific settlement of disputes between States. As noted in your report, the Court is an indispensable element of the system of peaceful settlement of disputes established by the Charter. The growing docket of the Court is clear evidence of the trust that States are increasingly placing in it. In the current year alone, the Court has dealt with various different and significant cases. In February, the Court rendered its Judgment in the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)* case; in February/March it held five weeks of hearings in the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)* case; in May, it was apprised of a new case brought by special agreement between Benin and the Niger concerning land boundary issues (for which a Chamber will be constituted); and in the current month of June the Court has held hearings in the *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* case, as well as on the request for provisional measures by the Democratic Republic of the Congo in relation to the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*.

Given the active role which the Court can and does play in finding peaceful solutions to international disputes submitted to it, the recommendations that you address to Member States and to United Nations organs in your report are most welcome. In particular, it is to be hoped that their implementation will give further impetus to the work of the Court and enhance its role in dispute resolution and conflict prevention.

It is also very encouraging to see that your report reminds States of the availability of the Secretary-General's Trust Fund, pursuant to which financial assistance may be provided to States for expenses incurred in connection with proceedings instituted before the Court by special agreement. As you are aware, this is a subject of concern to the Court and every care should be taken to make the Fund more easily accessible for States facing financial restraints.

In conclusion, I would add that if, as a result of the fulfilment of the report's recommendations, the number of cases on the Court's docket were to increase, the General Assembly might likewise be encouraged to place sufficient resources at the Court's disposal to enable it to continue functioning in the most effective manner.

(*Signed*) Gilbert **Guillaume**
President of the Court

Annex II

Letter dated 11 July 2002 from the President of the Economic and Social Council addressed to the Secretary-General

I have the honour to refer to your letter of 15 May 2002 requesting the views of and the actions taken by the Economic and Social Council regarding the recommendations contained in your report on the prevention of armed conflict.

In this regard, I am pleased to inform you that the Council will give high priority to the consideration of the recommendations contained in your report at its next substantive session in July. The Council is expected to give particular attention to its role in addressing the link between peace and development in the context of its coordination segment in July 2002 on strengthening the Council to help it fulfil the role ascribed to it in the Charter of the United Nations and the United Nations Millennium Declaration. This will be the occasion for addressing the recommendations and approach contained in your report. In this context, the Council is likely to consider how it could contribute to enhancing policy and operational coordination of conflict prevention and peace-building efforts.

Furthermore, the Council is at present engaged in developing a flexible and pragmatic approach for establishing an ad hoc advisory group on African countries emerging from conflict, as recommended by the General Assembly. It is my hope that the Council will take a decision on this matter in the near future and move rapidly, upon the request of any interested country, to the first phase of implementation of its decision. The ad hoc advisory group, upon request of the country concerned, is intended to review existing arrangements to meet a country's humanitarian, reconstruction and development needs and make proposals to the Council on how to ensure adequate and coordinated assistance in order to prevent the recurrence of conflict and promote long-term development. A flexible, time-limited approach may be taken in setting up such an advisory group. The ad hoc advisory group will need, as a part of a coordinated response, to cooperate with the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa.

In the meantime, a number of steps have been taken towards strengthening the Council's role in the prevention of armed conflict and in peace-building, particularly in addressing the root causes of conflicts in the areas that lie at the core of its mandate.

The need to enhance cooperation and coordination among the three principal United Nations organs is now widely recognized. It has been brought to the attention of the Council that the General Assembly has encouraged regular consultations between the President of the Assembly and the Presidents of the Security Council and the Economic and Social Council.[1] In response, the Economic and Social Council and the Security Council have started to have increased interaction with each other. Last year, the President of the Security Council was invited to speak to the Economic and Social Council on the question of HIV/AIDS. This year, I was invited to address the Security Council on the situation in Africa, on 29 January and

[1] General Assembly resolution 51/241, annex, para. 43, and 55/285, annex, para. 21.

22 May. The Council and its Bureau will give further consideration to the issue of enhancing collaboration with the General Assembly and the Security Council, notably in the context of its coordination segment this year.

Owing to the breadth of its mandate and the inclusiveness of its methods of work, the Economic and Social Council is well placed to mobilize international support for peace-building in a given country and to spur action by the United Nations international financial institutions, donors, regional organizations and other partners to help mobilize the needed attention and resources. The Council has responded to a country-specific situation in the past, when it decided to elaborate and implement a long-term strategy and programme of support for Haiti. The Council also made recommendations to the General Assembly on the United Nations presence in Haiti and the assistance provided by the Organization in such fields as human rights, consolidation of democracy and professionalization of the police. These recommendations facilitated the transition process following the end of the mandate of the United Nations peacekeeping mission, and led to the creation by the Assembly of the International Civilian Support Mission in Haiti (MICAH). Such an interaction between the General Assembly and the Council could possibly be replicated in other cases.

In addition to recommendation 4 of your report, which is directly addressed to the Economic and Social Council, recommendations 10 and 20, addressed to United Nations agencies, funds and programmes, also have a bearing on the Council's responsibilities to promote coherence and coordination within the United Nations system. In this regard, the Council could work with the Chief Executives Board for Coordination in promoting well-coordinated responses by the organizations of the system to the challenges of conflict prevention and peace-building.

Indeed, in recent years, the Council has, through its deliberations and decisions, contributed to conflict prevention and peace-building efforts, particularly in Africa.

In particular, in its 2001 Ministerial Declaration, the Council noted the importance of your proposal to create a subregional United Nations coordinating capability in West Africa to assist the United Nations system in developing integrated policies and strategies, ensuring harmonization of activities, and lending support to national and subregional integration. In 1999, the Council contributed to the discussion of and follow-up to your report on the causes of conflict in Africa, and in 1998 the Council noted the need to develop, through a strategic framework, a comprehensive approach to countries in crisis, in which key aspects of durable recovery, peace-building, all human rights, sustained economic growth and sustainable development should be included (agreed conclusions 1998/1).

With regard to the suggestions contained in your report for a more active involvement of the Economic and Social Council when the Security Council sets up regional initiatives for the prevention of armed conflicts, the Council should be in a better position to do so as it develops a more operational coordination capacity, for example, through the planned operation of the ad hoc advisory group on African countries emerging from conflict interacting with the Security Council's Ad Hoc Working Group on Africa. This will also provide a concrete basis for the Economic and Social Council to give further consideration to how it could contribute to a comprehensive and multidisciplinary discussion on the prevention of armed conflicts in a regional context.

During its substantive session in July 2002, the Economic and Social Council will consider your proposal for the high-level segment theme for substantive session 2003,[2] as contained in recommendation 4 of your report on conflict prevention.

With regard to recommendation 27 of your report, on non-governmental organizations and civil society, the Council has served as the principal interlocutor and an entry point for non-governmental organizations and an important forum for mobilizing civil society around key international development goals. The Council continues to find new ways of increasing the participation of non-governmental organizations in relevant aspects of its work, including organizing regional networks, forums of non-governmental organizations and direct dialogue with the representatives of non-governmental organizations and the private sector.

The Council's work on long-term development and poverty eradication, particularly in relation to increasing the flow of development assistance, also responds to recommendation 29 of your report. As you know, the Council has been assigned an important role in staying engaged in the implementation of the commitments made in the Monterrey Consensus of the International Conference on Financing for Development. To carry forward this important role, the Council will continue and build on a constructive partnership forged in the Monterrey process that brought together the United Nations, the Bretton Woods institutions and the World Trade Organization, as well as the private sector and civil society, to promote international cooperation to implement the commitments made at Monterrey on financing for development.

I can assure you that I will do everything possible to ensure that full attention continues to be paid to the recommendations and issues raised in your report, both at the Council's session and in the coming months. The Council will continue to enhance its role in promoting an integrated approach to peace and development in a practical manner and take action towards implementing the relevant recommendations in your report on the prevention of armed conflict and General Assembly resolution 55/281. As a central intergovernmental body for coordination in the United Nations system, the Council will continue to deal with the root causes of violence and engage constructively in peace-building, including poverty eradication, economic and social reconstruction and development, humanitarian assistance and the promotion of human rights.

(*Signed*) Ivan **Šimonović**

[2] E/2002/49

United Nations A/ES-10/203-S/2002/1270

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Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 20 November 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The Israeli occupying forces continue to commit additional war crimes in the ongoing bloody military campaign being waged against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem. Yesterday, during the early evening hours (Palestine time), Israeli occupying forces, backed by helicopter gunships and tanks, stormed the city of Tulkarem, firing missiles and unleashing heavy gunfire on Palestinian homes and property. During the attack, Israeli occupying forces committed an extrajudiciary execution, killing Tarek Mohammed Al-Zaghal, as well as four innocent Palestinian bystanders, including a 13-year-old boy.

Moreover, on that same day, also in Tulkarem, the Israeli occupying forces shot and killed a 15-year-old boy. These brutal Israeli attacks against the Palestinian inhabitants in Tulkarem resulted not only in the cold-blooded murder of six Palestinian civilians, but also in the injury of at least a dozen more Palestinians. In addition, the occupying forces caused even more damage and destruction to homes and properties in the city.

At the same time, the Israeli occupying forces continue to commit such acts of destruction against Palestinian homes, properties and infrastructure throughout other areas of the Occupied Palestinian Territory. The city of Al-Khalil, which has been under round-the-clock curfew since 15 November 2002, has particularly been subject to destruction by the occupying forces in recent days. This has included the demolition of homes, leaving many Palestinian families homeless, and ongoing and escalating Israeli settler violence against and harassment of the Palestinian inhabitants of the city.

The international community cannot continue to stand idly by while the Israeli occupying forces continue to carry out this bloody and brutal military campaign against the Palestinian people under occupation. The international community cannot allow Israel, the occupying Power, to continue to carry out such war crimes,

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State terrorism and systematic human rights violations against the Palestinian people under its occupation with impunity. Accordingly, we call on the international community to bring an immediate end to all Israeli crimes against the Palestinian people and bring all the perpetrators of these crimes to justice.

In follow-up to my previous 144 letters to you regarding this continuing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 13 November 2002 (A/55/432-S/2000/921, A/55/437-S/2000/930, A/55/450-S/2000/957, A/55/466-S/2000/971, A/55/474-S/2000/984, A/55/490-S/2000/993, A/ES-10/39-S/2000/1015, A/ES-10/40-S/2000/1025, A/ES-10/42-S/2000/1068, A/ES-10/43-S/2000/1078, A/ES-10/44-S/2000/1093, A/ES-10/45-S/2000/1104, A/ES-10/46-S/2000/1107, A/ES-10/47-S/2000/1116, A/ES-10/48-S/2000/1129, A/ES-10/49-S/2000/1154, A/ES-10/50-S/2000/1173, A/ES-10/51-S/2000/1185, A/ES-10/52-S/2000/1206, A/ES-10/53-S/2000/1247, A/ES-10/54-S/2001/7, A/ES-10/55-S/2001/33, A/ES-10/56-S/2001/50, A/ES-10/57-S/2001/101, A/ES-10/58-S/2001/131, A/ES-10/59-S/2001/156, A/ES-10/60-S/2001/175, A/ES-10/61-S/2001/189, A/ES-10/64-S/2001/209, A/ES-10/65-S/2001/226, A/ES-10/66-S/2001/239, A/ES-10/67-S/2001/255, A/ES-10/68-S/2001/284, A/ES-10/69-S/2001/295, A/ES-10/70-S/2001/304, A/ES-10/71-S/2001/314, A/ES-10/72-S/2001/332, A/ES-10/75-S/2001/352, A/ES-10/76-S/2001/372, A/ES-10/79-S/2001/418, A/ES-10/80-S/2001/432, A/ES-10/81-S/2001/447, A/ES-10/82-S/2001/463, A/ES-10/83-S/2001/471, A/ES-10/84-S/2001/479, A/ES-10/85-S/2001/486, A/ES-10/86-S/2001/496, A/ES-10/87-S/2001/504, A/ES-10/88-S/2001/508, A/ES-10/89-S/2001/544, A/ES-10/90-S/2001/586, A/ES-10/91-S/2001/605, A/ES-10/92-S/2001/629, A/ES-10/93-S/2001/657, A/ES-10/94-S/2001/669, A/ES-10/95-S/2001/686, A/ES-10/96-S/2001/697, A/ES-10/97-S/2001/708, A/ES-10/98-S/2001/717, A/ES-10/99-S/2001/742, A/ES-10/100-S/2001/754, A/ES-10/101-S/2001/783, A/ES-10/102-S/2001/785, A/ES-10/103-S/2001/798, A/ES-10/104-S/2001/812, A/ES-10/105-S/2001/814, A/ES-10/107-S/2001/821, A/ES-10/108-S/2001/826, A/ES-10/111-S/2001/880, A/ES-10/112-S/2001/918, A/ES-10/114-S/2001/928, A/ES-10/115-S/2001/932, A/ES-10/116-S/2001/941, A/ES-10/117-S/2001/971, A/ES-10/118-S/2001/989, A/ES-10/119-S/2001/991, A/ES-10/121-S/2001/1007, A/ES-10/122-S/2001/1024, A/ES-10/123-S/2001/1036, A/ES-10/124-S/2001/1084, A/ES-10/125-S/2001/1092, A/ES-10/126-S/2001/1118, A/ES-10/128-S/2001/1149, A/ES-10/129-S/2001/1166, A/ES-10/133-S/2001/1239, A/ES-10/134-S/2001/1261, A/ES-10/136-S/2002/18, A/ES-10/137-S/2002/39, A/ES-10/138-S/2002/48, A/ES-10/139-S/2002/58, A/ES-10/140-S/2002/89, A/ES-10/141-S/2002/95, A/ES-10/142-S/2002/102, A/ES-10/143-S/2002/121, A/ES-10/144-S/2002/142, A/ES-10/145-S/2002/146, A/ES-10/146-S/2002/165, A/ES-10/147-S/2002/175, A/ES-10/148-S/2002/182, A/ES-10/149-S/2002/186, A/ES-10/150-S/2002/214, A/ES-10/151-S/2002/223, A/ES-10/152-S/2002/232, A/ES-10/154-S/2002/242, A/ES-10/155-S/2002/248, A/ES-10/156-S/2002/245, A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258, A/ES-10/159-S/2002/281, A/ES-10/160-S/2002/307, A/ES-10/161-S/2002/319, A/ES-10/162-S/2002/330, A/ES-10/163-S/2002/340, A/ES-10/164-S/2002/353, A/ES-10/165-S/2002/361, A/ES-10/166-S/2002/370, A/ES-10/167-S/2002/433, A/ES-10/168-S/2002/474, A/ES-10/169-S/2002/495, A/ES-10/173-S/2002/536, A/ES-10/174-S/2002/555, A/ES-10/175-S/2002/610, A/ES-10/176-S/2002/617, A/ES-10/177-S/2002/641, A/ES-10/178-S/2002/650, A/ES-10/179-S/2002/654, A/ES-10/180-S/2002/686, A/ES-10/181-S/2002/697, A/ES-10/182-S/2002/699, A/ES-10/183-S/2002/717, A/ES-10/184-S/2002/738, A/ES-10/185-S/2002/827, A/ES-10/190-S/2002/891, A/ES-10/192-S/2002/976, A/ES-10/193-S/2002/983, A/ES-10/194-S/2002/1052, A/ES-10/195-S/2002/1066, A/ES-10/196-S/2002/1083, A/ES-10/197-

S/2002/1094, A/ES-10/198-S/2002/1104, A/ES-10/199-S/2002/1114, A/ES-10/200-S/2002/1144, A/ES-10/201-S/2002/1166 and A/ES-10/202-S/2002/1244), it is my profound regret to inform you that, since my last letter to you, at least 17 Palestinians, including children, have been killed by Israeli occupying forces. This raises the total number of Palestinian martyrs killed since 28 September 2000 to 1,937. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser Al-Kidwa
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 20 November 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 13 November, through Tuesday, 19 November 2002)

Wednesday, 13 November 2002

Hamed Al-Masri (13 years old) (not included in our letter dated 13 November 2002)

Thursday, 14 November 2002

1. Jalal Mohammed Oweejan (17 years old)
2. Khaled Harb Abu Hilal

Friday, 15 November 2002

Omran Alshileh (16 years old)

Saturday, 16 November 2002

1. Samar Mahmoud Mohamed Shar'ab
2. Mahmoud Abbas Obeid
3. Ibrahim Bassaam Al-Sa'edi (17 years old)

Sunday, 17 November 2002

1. Mousa Radi Al-Mahareek
2. Akram Abdel Mohsen Al-Hunainy
3. Wa'a Hachem Dawo'od Suroor

Monday, 18 November 2002

Mohamed Abdallah Yussef Abdel Ghany

Tuesday, 19 November 2002

1. Ehab Al-Zukleh (13 years old)
2. Tarek Mohammed Al-Zaghal
3. Ziad Masharqi
4. Shaban Budeir
5. Ahmed Jaiosy
6. Amr Qudsi (15 years old)

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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September is 1,937.

United Nations S/2002/1271

Security Council

Distr.: General
21 November 2002

Original: English

Letter dated 21 November 2002 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that, following informal consultations, and taking into account the views of your Special Representative and Head of the United Nations Interim Administration Mission in Kosovo, Mr. Michael Steiner, the members of the Security Council have agreed to dispatch a mission to Kosovo and Belgrade, Federal Republic of Yugoslavia, from 13 to 17 December 2002. The terms of reference for the mission are attached (see annex). The composition of the mission, which will be led by Ole Peter Kolby (Norway), will be forwarded to you shortly.

I should be grateful if you could have the Secretariat make all the necessary arrangements to facilitate the work of the mission.

(*Signed*) **Wang** Yingfan
President of the Security Council

02-70486 (E) 211102

Annex

Terms of reference for the mission to Kosovo and Belgrade, Federal Republic of Yugoslavia

1. At the invitation of the Special Representative of the Secretary-General in Kosovo, Michael Steiner, the Security Council decides to send a mission there. The visit will take place from 13 to 17 December 2002. The Mission will visit both Pristina and Belgrade.

2. The Mission has the following objectives:

(a) To find ways to enhance support for the implementation of Security Council resolution 1244 (1999) and the work of the United Nations Interim Administration Mission in Kosovo (UNMIK) to this end;

(b) In this context, to observe the operations of UNMIK and the situation on the ground, and specifically to obtain an update on Mr. Steiner's benchmarks, including the rule of law, the rate of sustainable return and the privatization agenda; in addition, to discuss the challenges faced by UNMIK, particularly the follow-up to the local elections, decentralization and the situation in Mitrovica; and report its conclusions to the Security Council;

(c) To convey a strong message to the provisional institutions for self-government, local leaders, the newly elected municipal officials and all others concerned, about the need to:

(i) Use the opportunity created by the local elections to move forward with the decentralization process and to further develop democratic institutions;

(ii) Promote inter-ethnic reconciliation and inclusion;

(iii) Reject all violence, condemn extremist and terrorist activities;

(iv) Ensure public safety and order, promote stability and security;

(v) Support the full and effective implementation of Security Council resolution 1244 (1999) and fully cooperate with UNMIK and the international security presence to these ends;

(d) To explore ways to enhance cooperation between UNMIK and the authorities of the Federal Republic of Yugoslavia on the basis of the UNMIK-Federal Republic of Yugoslavia Common Document of 5 November 2001, and the opportunities for increased cooperation between Pristina and Belgrade;

(e) To look at the impact of the regional situation on the work of UNMIK.

United Nations S/2002/1272

Security Council

Distr.: General
21 November 2002

Original: English

Letter dated 20 November 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to my letter dated 26 September 2002 (S/2002/1106) by which I forwarded to the Security Council, in accordance with paragraph 1 (c) of article 12 bis of the Statute of the International Tribunal for Rwanda, the nominations for permanent judges of that Tribunal which I had received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the 60-day period specified in paragraph 1 (b) of article 12 bis of its Statute.

I also have the honour to refer to the letter dated 11 October 2002 (document S/2002/1131) of the former President of the Security Council, Martin Belinga-Eboutou, in which he informed me of the decision of the Council, taken at its 4621st meeting on 11 October 2002, to extend the deadline for nominations of candidates for permanent judges of the International Tribunal for Rwanda until 15 November 2002.

Pursuant to paragraph 1 (c) of article 12 bis of the Statute of the International Tribunal for Rwanda, I have the honour to forward herewith to the Security Council the 22 nominations which I have received from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters within the period specified in paragraph 1 (b) of that same article, as extended by the Council in the decision taken at its 4621st meeting. The list of candidates, in alphabetical order, together with the curricula vitae provided in connection with their nomination, is annexed to the present letter.*

(*Signed*) Kofi A. **Annan**

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* The material is circulated only to the members of the Security Council.

02-70499 (E) 211102

United Nations S/2002/1273

Security Council

Distr.: General
21 November 2002

Original: English

Letter dated 14 November 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement concerning Security Council resolution 1441 (2002) on Iraq, issued on 14 November 2002 by the Presidency of the European Union on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Permanent Representative of Denmark to the United Nations

02-70505 (E) 211102

BEST COPY AVAILABLE

Annex to the letter dated 14 November 2002 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement concerning Security Council resolution 1441 (2002) on Iraq, issued on 14 November 2002 by the Presidency of the European Union on behalf of the European Union

The European Union welcomes the adoption of Security Council resolution 1441 (2002) of 8 November 2002 and the fact that the resolution was passed unanimously. With the passing of the new resolution, the Security Council has asserted its role and responsibility in maintaining international peace and security.

The resolution is an important step towards the elimination of Iraq's weapons of mass destruction. The European Union urges Iraq to accept immediately Security Council resolution 1441 (2002) and to comply unconditionally with all the provisions of the resolution. This is Iraq's last opportunity to fulfil its disarmament obligations. The European Union urges Iraq to extend full cooperation to the weapons inspectors and to secure immediate, unimpeded and unrestricted access for the weapons inspectors to all areas and facilities in Iraq.

The European Union expresses its full confidence in and support for Dr. Hans Blix of the United Nations Monitoring, Verification and Inspection Commission and Dr. El Baradei of the International Atomic Energy Agency in the performance of their duties.

The European Union also expresses its support for the Security Council in its continued handling of this matter.